

United States Department of the Interior Bureau of Land Management

Determination of NEPA Adequacy
DOI-BLM-CO-S010-2017-0011-DNA

March 2018

March 2018 Oil and Gas Lease Sale

Location: Eight parcels encompassing 2,545.13 acres in San Miguel and La Plata counties, Colorado

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Determination of NEPA Adequacy

U.S. Department of the Interior
Colorado Bureau of Land Management

OFFICE: Tres Rios Field Office

TRACKING NUMBER: DOI-BLM-CO-S010-2017-0011-DNA

CASEFILE/PROJECT NUMBER: Parcels 6434, 7981, 7982, 7983, 7984, 7985, 7986, and 7987

PROPOSED ACTION TITLE/TYPE: March 2018 Oil and Gas Lease Sale

LOCATION/LEGAL DESCRIPTION: See Attachments B and C for full legal descriptions

A. Description of Proposed Action

The Bureau of Land Management (BLM) proposes to offer eight parcels, totaling 2,545.13 acres of federal mineral estate within the Tres Rios Field Office (TRFO), for lease in the upcoming March 2018 Competitive Oil and Gas Lease Sale. The proposed sale parcels are located in San Miguel and La Plata counties, Colorado.

BLM's Colorado State Office conducts quarterly competitive sales to lease available oil and gas parcels. A Notice of Competitive Lease Sale (Sale Notice), which lists lease parcels to be offered at the auction, is published by the Colorado State Office at least 45 days before the auction is held. Lease stipulations applicable to each parcel are specified in the Sale Notice. The decision as to which public lands and minerals are open for leasing and what leasing stipulations may be necessary, based on information available at the time, is made during the land use planning process. Constraints on leasing and any future development of lease parcels are determined by BLM in coordination with the appropriate surface management agency or landowner.

Originally, nine nominated parcels were posted online for a 30-day public scoping period at:

<https://www.blm.gov/programs/energy-and-minerals/oil-and-gas/leasing/regional-lease-sales/colorado>.

This posting also included the appropriate stipulations as identified in the relevant Resource Management Plan (RMP). Comments received from the public during scoping were reviewed and considered, as applicable. BLM prepares documentation consistent with the National Environmental Policy Act (NEPA) and posts unsigned preliminary documents for public review and comment. Comments received on NEPA documentation are reviewed and considered as applicable when BLM revises those documents.

Under the proposed action, eight parcels would be offered for lease. Two full parcels were deferred from the March 2018 lease sale. Parcel 7980 (totaling 323.4 acres and located in

T.42N., R.14W., NMPM, Section 3, lots 1-4 and S2N2), was recommended for deferral to allow for additional review of appropriate protections for Gunnison sage-grouse habitat. In 2014, the Gunnison sage-grouse was listed as a threatened species under the Endangered Species Act. Parcel 7387 (totaling 40 acres and located in T.34N., R.10W., NMPM, Section 6, SESW) was deferred after the BLM reached out to the parcel's nominator, who no longer expressed interest in obtaining the oil and gas lease for this parcel.

On occasion, the BLM may defer offering proposed parcels for lease after posting of the Sale Notice. A decision to defer the sale of some or all of the parcels may occur up to the day of the lease sale. In such cases, the BLM prepares an addendum to the Sale Notice. The deferral of a parcel does not permanently withdraw the parcel from leasing, but merely indicates that further consideration is needed before a decision is made regarding whether to offer the parcel at a future lease sale. Prior to the lease sale, the Deputy State Director signs a decision in which he or she determines which parcels are available and will be offered for lease in the upcoming sale.

The BLM considered whether offering the parcels would be consistent with the oil and gas leasing eligibility decisions and lease stipulations adopted in the *Tres Rios Field Office Record of Decision and Approved Resource Management Plan (2015) (TRFO ROD/RMP)*. The TRFO ROD/RMP implements the Federal Land Policy and Management Act of 1976 (Title 43 CFR, part 1600).

In accordance with the TRFO ROD/RMP, all parcels have attached stipulations, including No Surface Occupancy (NSO), Timing Limitation (TL), and Controlled Surface Use (CSU) stipulations, and Lease Notices. All nominated parcels (including the two parcels recommended for deferral under the proposed action) are listed in Attachment B. Legal descriptions and stipulations for the eight parcels recommended for lease are in Attachment C, and full descriptions of the stipulations applied to each parcel are in Attachment D. Maps of the parcels are found in Attachment A.

If parcels receive no qualifying bids at the March 2018 lease sale, they will remain available for a period of up to two years, during which they may be leased to any qualified lessee at the minimum bid cost. Such parcels may be re-parceled by combining or deleting other previously offered lands prior to leasing.

Mineral estate that is not leased within a two-year period after an initial offering will no longer be available, and must go through a competitive lease sale review process again prior to being leased.

Leasing does not authorize any development or use of the surface of lease lands without further application by the operator and approval by the BLM. After a parcel is leased, the BLM may receive an Application for Permit to Drill (APD). BLM would perform additional site-specific NEPA analysis before approving an APD or authorizing surface-disturbing activity.

This DNA documents the adequacy of the review of the nominated parcels under the administration of the TRFO. It serves to verify conformance with the approved land use plan, confirms the adequacy of existing NEPA analysis to support the decision, and provides

additional rationale for the field office's recommendation to offer or to defer particular parcels from the lease sale.

In accordance with BLM Colorado Instruction Memorandum (IM) No. 2012-027 and BLM Washington Office IM No. 2010-117, this DNA has been released for 30 days of public comment. Any comments received within the 30-day timeframe will be considered and incorporated into the DNA as appropriate.

The Proposed Action addressed by this DNA is to offer a total of 2,545.13 Acres of federal mineral estate in the March 2018 Competitive Oil and Gas Lease Sale. The BLM administers the mineral estate of the parcels recommended for lease, while the BLM and other landowners manage the surface.

B. Land Use Plan (LUP) Conformance

***Plan:** Tres Rios Field Office Resource Management Plan (TRFO RMP)*

***Date Approved:** February 27, 2015*

X The proposed action is in conformance with the applicable LUPs because it is specifically provided for in the following LUP decisions:

Decision Language: This program emphasizes the orderly and environmentally responsible development of oil and gas (natural gas and CO₂) deposits (page II-111).

The TRFO ROD/RMP identifies areas open for oil and gas leasing (pages II-113 through II-121), and specifies stipulations that would apply to leases (Appendix H). The proposed lease parcels are within the areas identified as open to leasing. Based on the RMP, specific stipulations are attached to each lease parcel.

C. Applicable National Environmental Policy Act (NEPA) documents and other related documents that cover the proposed action.

- BLM Tres Rios Field Office Record of Decision and Approved Resource Management Plan (February 2015)
- BLM Tres Rios Field Office and San Juan National Forest Proposed Land and Resource Management Plan and Final Environmental Impact Statement (TRFO PRMP/FEIS) (September 2013).

D. NEPA Adequacy Criteria

1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?

Yes. The proposed action is included in an alternative analyzed in the TRFO PRMP/FEIS. The proposed lease parcels are within the area analyzed by the PRMP/FEIS and leasing and subsequent development of oil and gas resources are specifically analyzed throughout the PRMP/FEIS. (See chapters 3 and 4.) Section 3.19 of the PRMP/FEIS describes the acres of currently leased and unleased federal minerals under BLM, Forest Service, and split-estate surface ownership. The PRMP/FEIS describes leasing and the types of stipulations which could be applied as resource mitigation and explains that stipulations, Conditions of Approval, and other existing law can mitigate resource concerns during development. The PRMP/FEIS also describes average acres of disturbance for development of well pads, roads, pipelines, and other facilities. Other resource sections in the PRMP/FEIS describe the type and qualitative impact of development on particular resources. All lands considered in this action are open to leasing under the PRMP/FEIS and stipulations have been attached in conformance with the PRMP/FEIS.

2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the new proposed action (or existing proposed action), given current environmental concerns, interests, and resource values?

Yes. Five alternatives, covering a full range of oil and gas leasing options, were addressed in the PRMP/FEIS. (See Section 2.4.6 of that document.) The alternatives ranged from the most restrictive, a No Leasing Alternative, to the least restrictive, which made 78% of lands available for lease and had a “No Surface Occupancy” stipulation on only 38% of those lands. Other alternatives were considered but eliminated from full analysis in the PRMP/FEIS due to being contrary to law or valid existing rights, or being similar to analyzed alternatives. The alternatives considered in the TRFO PRMP/FEIS are appropriate for the proposed action.

3. Is existing analysis adequate in light of any new information or circumstances (such as, rangeland health standards assessment; recent endangered species listings, updated list of BLM sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?

Yes. The existing TRFO PRMP/FEIS is adequate. The BLM ID team is not aware of any new information or circumstances that would change the analysis of the proposed action. The sufficiency of the existing analysis in the TRFO PRMP/FEIS was verified during site-visits to the parcels conducted by BLM TRFO staff in July 2018.

Subsequent to the signing of the TRFO FEIS PRMP/FEIS (September 2013) and prior signing of the TRFO RMP (February 2015) the Gunnison Sage Grouse was listed as federally threatened by the U.S. Fish and Wildlife Service on December 22nd, 2014. To update the analysis for the TRFO RMP to include appropriate stipulations regarding management of lands within critical habitat for Gunnison Sage Grouse, the TRFO is engaged in an ongoing RMP Amendment specific to Gunnison Sage Grouse management. In the interim, all lands within critical habitat, occupied or unoccupied, have been administratively deferred from further consideration for leasing within the March 2018 sale. Furthermore, any proposed parcels with a portion of lands under consideration of any of the alternatives within the ongoing GUSG RMPA were administratively deferred from further consideration for leasing within the March 2018 sale. Lands outside of the decision space for the GUSG RMPA that have been analyzed within the current TRFO RMP, and are open to oil and gas leasing activities, can be included in this sale. The act of leasing does not authorize any development or use of the surface of lease lands without further application by

the lessee and approval by BLM. There are no new circumstances or information that would change the analysis for the proposed action.

4. Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?

Yes. The impacts of oil and gas leasing, as well as other resource management actions, were addressed in the PRMP/FEIS based on a reasonable foreseeable development (RFD) scenario of approximately 2,950 new wells in 15 years. Only twenty-six new federal wells have been approved in the two years since the RMP was signed. This represents an average of one new well every month, which is only 5% of the RFD's predicted monthly average. Thus, the impacts to date from oil and gas development are much lower than those anticipated under the approved plan and are within the range of those analyzed in the PRMP/FEIS.

Additionally, the BLM relies on the U.S. Fish and Wildlife Service (FWS) 2008 *Programmatic Biological Opinion for Water Depletions Associated with Bureau of Land Management's Fluid Mineral Program within the Upper Colorado River Basin in Colorado* (PBO) for assessing compliance with Section 7 requirements under the Endangered Species Act related to the four endangered Colorado River fish species and their critical habitat. Annual withdrawals remain below the volume threshold used for the 2008 consultation. The BLM and FWS have determined that all water depletions addressed in the 2008 PBO have been accounted for and implementation of the 2008 PBO to date remains valid. On May 31, 2017, the BLM submitted a Programmatic Biological Assessment (PBA) to FWS requesting re-initiation of formal consultation on the existing PBO (ES/GJ-6-CO-08-F-0006) to address new technologies (including horizontal drilling, broader use of hydraulic fracturing, and greater use of recycled water). The PBA also includes updated projected water depletion estimates by river sub-basin. Concurrent with the submission of the PBA, the BLM submitted a Section 7(d) Determination that documents that water depletions associated with fluid minerals development in the Upper Colorado River Basin during the consultation process would not jeopardize the continued existence of the four endangered Colorado River fish species.

5. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?

Yes. Full public review occurred during the PRMP/FEIS process. The PRMP/FEIS described reasonably foreseeable impacts associated with activities, such as the proposed lease sale, that could occur under the decisions in the PRMP/FEIS. In addition, the BLM provided a public scoping period for the March 2018 Lease Sale from June 5 to July 6, 2017. Notification of the public scoping period was posted online at:

<https://www.blm.gov/programs/energy-and-minerals/oil-and-gas/leasing/regional-lease-sales/colorado>

Note that online documents for the March 2018 Lease Sale are posted on the BLM's ePlanning site at:

<https://eplanning.blm.gov/epl-front-office/eplanning/planAndProjectSite.do?methodName=dispatchToPatternPage¤tPageId=120766>

Surface owners for the proposed parcels were notified of the proposed leasing action by mail.

Site visits to the proposed parcels were conducted by members of a BLM TRFO interdisciplinary team of resource specialists (ID Team) on July 25, 2017.

From September 7 to October 10, 2017, an initial draft of this DNA was posted online for a 30-day public review and comment period. In addition, a lease sale notice will be posted online at least forty-five (45) days prior to the March 2018 Lease Sale at:

<https://www.blm.gov/programs/energy-and-minerals/oil-and-gas/leasing/regional-lease-sales/colorado>

The posting of the lease sale notice will initiate a 30-day public protest period scheduled to run from December 8, 2017 to January 9, 2018.

E. Persons/Agencies/BLM Staff Consulted

A complete list of resource specialists who participated in this review is available upon request from the Tres Rios Field Office. The table below includes resource specialists who provided additional remarks concerning cultural resources and special status species.

Name	Title	Resource/Concern
Ryan Joyner	Natural Resource Specialist	Project Lead
Bruce Bourcy	Archaeologist	Cultural Resources
Mike Jensen	Botanist	Farmlands; Invasive Species/Noxious Weeds; Rangeland Health; Threatened, Endangered and Special Status Plant Species; Vegetation
Russ Japuntich	Biologist	Fish Habitat
Nathaniel West	Biologist	Migratory Birds; Threatened, Endangered and Special Status Animal Species; Wildlife-aquatic, terrestrial, riparian zones
James Blair	Geologist	Geology; Solid Minerals; Paleontology;
Marietta Eaton	AHC Manager	Native American Religious Concerns

In addition, the list of BLM (and U.S. Forest Service) employees, cooperating agencies, and tribes that participated in the preparation of the TRFO PRMP/FEIS is available in Chapter 4 of the FEIS.

Remarks

CULTURAL RESOURCES:

The leasing of federal mineral rights for potential oil and gas exploration and production is an undertaking under Section 106 of the National Historic Preservation Act (NHPA).

The Area of Potential Effects (APE) includes the land within the proposed lease parcels and the land within a one mile radius of those lease parcels. A total of 49 cultural resource inventories have been conducted in the APE. Approximately 1,225 acres (4%) of the APE has been surveyed, resulting in 60 cultural resources recorded. Thirty-nine of these are isolated finds and 21 are archaeological sites. Seven of the sites are eligible for listing on the NRHP. Three sites are evaluated as needing more data to complete a National Register evaluation, and two are unevaluated for the NRHP. The remaining nine sites and all of the isolated finds are not eligible for the National Register.

The TRFO resource management planning process was conducted in accordance with all requirements of the NHPA. Twenty-six tribes were notified of the undertaking on June 21, 2017. Tribal consultation occurred with the Pueblos of Acoma and Tesuque. The BLM sent the Colorado SHPO an informational letter under the State Protocol Agreement on January 22, 2018, with a determination that the proposed lease sale would not adversely affect any historic properties.

The act of leasing the proposed parcels, by itself, would not result in direct impacts to cultural resources, including those that are listed or eligible for listing as historic properties on the National Register of Historic Places. However, leasing the proposed parcels could have indirect impacts on cultural resources. Leasing allows for the future development of oil and gas resources from the parcels, subject to the lease terms, the stipulations attached to the leases, and the applicable laws and regulations. Oil and gas exploration and development has the potential to impact the setting for cultural resource sites and may provide for more public access (authorized or unauthorized) in the areas where development occurs. The density of any future oil and gas development and the potential for increased public access could contribute to direct, indirect, or cumulative effects on cultural resources, which might include illegal artifact collection and vandalism.

Any oil and gas exploration and/or development proposed in the future for the subject lease parcels would be subject to additional site-specific cultural resources reviews and analysis in accordance with the requirements of the NHPA, including cultural resources inventories, effects assessments, tribal consultation, and if necessary, actions to resolve potential adverse effects. This requirement is outlined in controlled surface use (CSU) stipulation CO-39, which is attached to each lease parcel. At the exploration and development phase, any identified adverse effects of proposed development on historic properties would be identified and mitigated, if necessary.



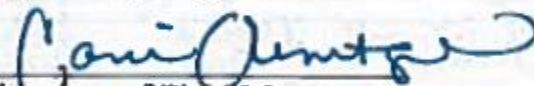


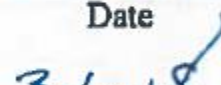
CONCLUSION

Plan Conformance:

- ☒ This proposal conforms to the applicable land use plan.
- ☐ This proposal does not conform to the applicable land use plan.

Determination of NEPA Adequacy

- ☒ Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan that the NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirements.
- ☐ The existing NEPA documentation does not fully cover the proposed action. Additional NEPA documentation is needed if the project is to be further considered.

 _____ Signature of Project Lead	 _____ Date
 _____ Signature of Field Manager	 _____ Date
 _____ Signature of Responsible Official	 _____ Date

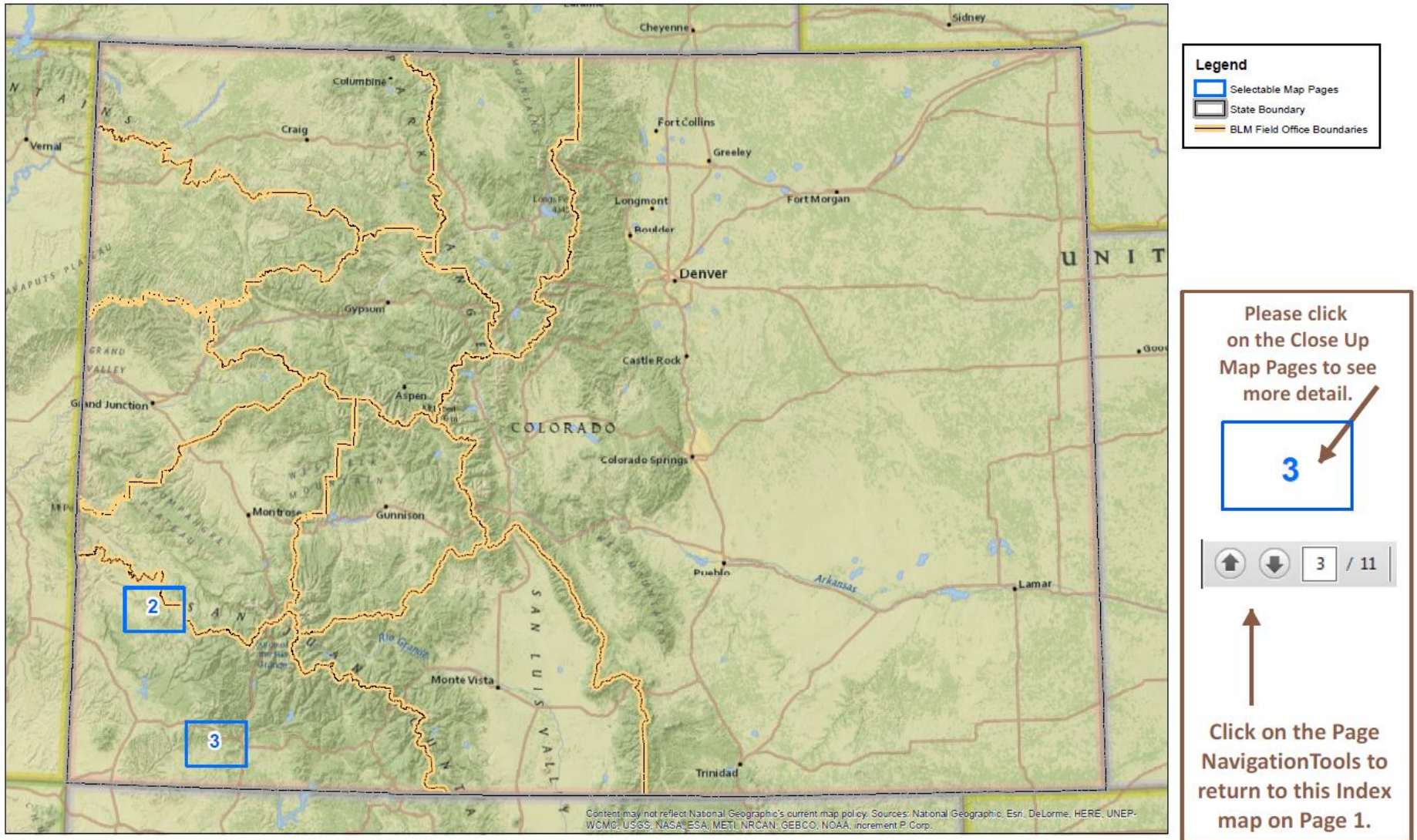
Note: The signed Conclusion on this Worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. However, the lease, permit, or other authorization based on this DNA is subject to protest or appeal under 43 CFR Part 4 and the program-specific regulations.

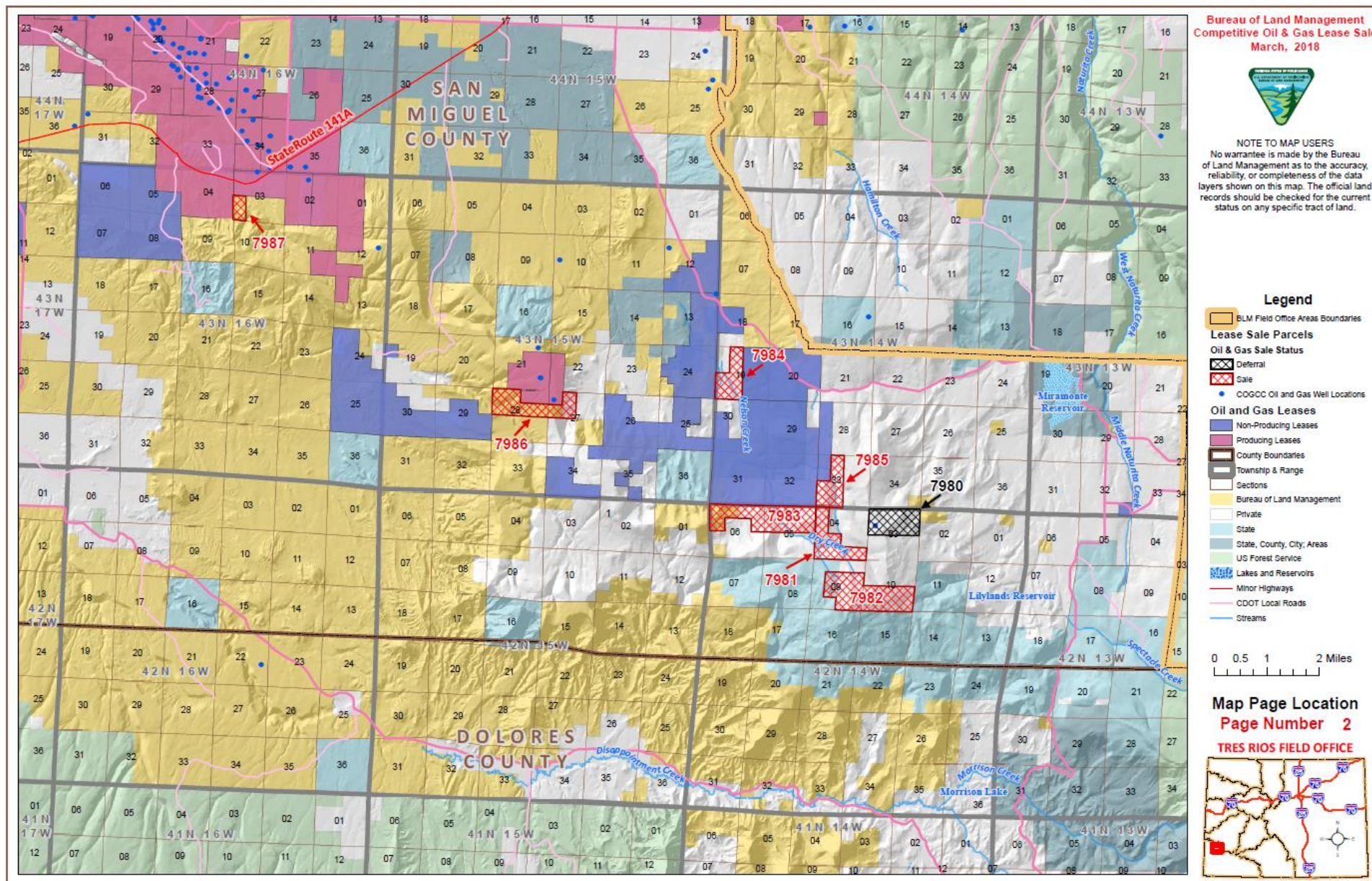
ATTACHMENTS:

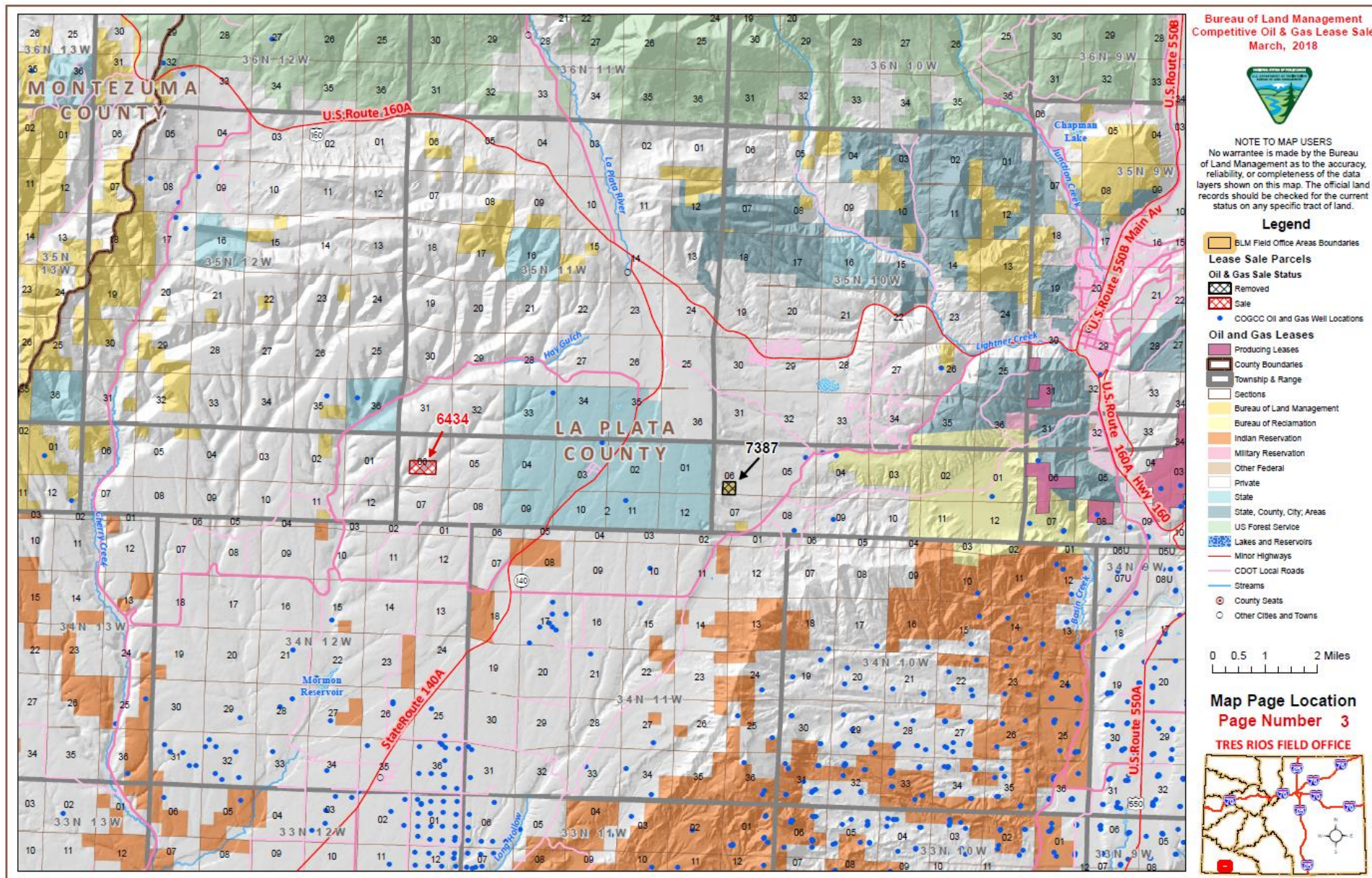
- Attachment A: Maps
- Attachment B: All Parcels at Scoping with Recommended Parcel Deferral
- Attachment C: Proposed Action Parcels with Stipulations for Lease
- Attachment D: Stipulation Exhibits
- Attachment E: Responses to Public Comments

ATTACHMENT A: Maps

BLM Competitive Oil and Gas Lease Sale March, 2018







Attachment B: All Parcels at Scoping with Recommended Parcel Deferral

PARCEL ID: 7387 (Recommended for Deferral From Sale)

T.0340N., R.010W., NMPM (North of the Ute Line)
Section 6: SESW;

La Plata County
Colorado 40.000 Acres

PVT/BLM; COS:TRFO

PARCEL ID: 6434

T.0340N., R.0110W., NMPM (North of the Ute Line)
Section 6: NESW,NWSE;

La Plata County
Colorado 80.000 Acres

PVT/BLM; COS:TRFO

PARCEL ID: 7980 (Recommended for Deferral From Sale)

T.0420N., R.0140W., NMPM
Section 3: Lot 1-4;
Section 3: S2N2;

San Miguel County
Colorado 323.400 Acres

PVT/BLM; COS:TRFO

PARCEL ID: 7981

T.0420N., R.0140W., NMPM
Section 4: Lot 4;
Section 4: SWNW,SW,S2SE;

San Miguel County
Colorado 320.310 Acres

PVT/BLM; COS:TRFO

PARCEL ID: 7982

T.0420N., R.0140W., NMPM

Section 9: S2NE,SENW,NESW,SE;

Section 10: S2;

San Miguel County

Colorado 640.000 Acres

PVT/BLM; COS:TRFO

PARCEL ID: 7983

T.0420N., R.0140W., NMPM

Section 5: Lot 1-4;

Section 5: S2N2;

Section 6: Lot 1-5;

Section 6: SENE;

San Miguel County

Colorado 578.300 Acres

PVT/BLM; COS:TRFO

PARCEL ID: 7984

T.0430N., R.0140W., NMPM

Section 19: Lot 3,4;

Section 19: E2W2;

San Miguel County

Colorado 246.520 Acres

PVT/BLM; COS:TRFO

PARCEL ID: 7985

T.0430N., R.0140W., NMPM

Section 33: E2W2,W2SW;

San Miguel County

Colorado 240.000 Acres

PVT/BLM; COS:TRFO

PARCEL ID: 7986

T.0430N., R.0150W., NMPM

Section 27: NENW,S2NW;

Section 28: N2NW,S2N2;

San Miguel County

Colorado 360.000 Acres

PVT/BLM; COS:TRFO

PARCEL ID: 7987

T.0430N., R.0160W., NMPM

Section 3: W2SW;

San Miguel County

Colorado 80.000 Acres

PVT/BLM; COS:TRFO

ATTACHMENT C: Proposed Action Parcels with Stipulations for Lease

THE FOLLOWING PUBLIC DOMAIN LANDS ARE SUBJECT TO FILINGS IN THE MANNER SPECIFIED IN THE APPLICABLE PORTIONS OF THE REGULATIONS IN 43 CFR, SUBPART 3120.

PARCEL ID: 6434

T.0340N., R.0110W., NMPM (North of the Ute Line)

Section 6: NESW,NWSE;

La Plata County

Colorado 80.000 Acres

All lands are subject to Exhibit 1.4.1 for intermittent and ephemeral streams.

All lands are subject to Exhibit 1.4.2 for intermittent and ephemeral streams.

All lands are subject to Exhibit 1.9.1 for lands with slopes greater than 35 percent.

All lands are subject to Exhibit 1.10.1 for lands with 25-35 percent slopes and lands with shale soils.

All lands are subject to Exhibit 3.3.1 for Southwestern Willow Flycatcher.

All lands are subject to Exhibit 3.3.2 for Southwestern Willow Flycatcher.

All lands are subject to Exhibit 3.8.1 for migratory birds.

All lands are subject to Exhibit 3.9.1 for eagles, all accipiters, falcons, buteos and owls.

All lands are subject to Exhibit 3.9.2 for eagles, all accipiters, falcons, buteos and owls.

All lands are subject to Exhibit CO-34 to alert lessee of potential habitat for a threatened, endangered, candidate, or other special status plant or animal.

All lands are subject to Exhibit CO-39 to protect cultural resources.

All lands are subject to Exhibit CO-56 to alert lessee of potential supplementary air analysis.

PVT/BLM; COS:TRFO

PARCEL ID: 7981

T.0420N., R.0140W., NMPM

Section 4: Lot 4;

Section 4: SWNW,SW,S2SE;

San Miguel County

Colorado 320.310 Acres

The following lands are subject to Exhibit 1.3.1 for perennial streams, water bodies, riparian areas and fens:

T.0420N., R.0140W., NMPM

Section 4: SW,S2SE;

The following lands are subject to Exhibit 1.3.2 for perennial streams, water bodies, riparian areas and fens:

T.0420N., R.0140W., NMPM

Section 4: SW,S2SE;

The following lands are subject to Exhibit 1.4.1 for intermittent and ephemeral streams:

T.0420N., R.0140W., NMPM

Section 4: SW,S2SE;

The following lands are subject to Exhibit 1.4.2 for intermittent and ephemeral streams:

T.0420N., R.0140W., NMPM

Section 4: SW,S2SE;

All lands are subject to Exhibit 1.9.1 for lands with slopes greater than 35 percent.

The following lands are subject to Exhibit 1.10.1 for lands with 25-35 percent slopes and lands with shale soils.

T.0420N., R.0140W., NMPM

Section 4: SWNW,SW,S2SE;

The following lands are subject to Exhibit 3.3.1 for Southwestern Willow Flycatcher:

T.0420N., R.0140W., NMPM

Section 4: SW,S2SE;

The following lands are subject to Exhibit 3.3.2 for Southwestern Willow Flycatcher:

T.0420N., R.0140W., NMPM

Section 4: SW,S2SE;

All lands are subject to Exhibit 3.8.1 for migratory birds.

All lands are subject to Exhibit 3.9.1 for eagles, all accipiters, falcons, buteos and owls.

All lands are subject to Exhibit 3.9.2 for eagles, all accipiters, falcons, buteos and owls.

All lands are subject to Exhibit 3.10.1 for big game.

All lands are subject to Exhibit 3.10.2 for big game.

All lands are subject to Exhibit CO-34 to alert lessee of potential habitat for a threatened, endangered, candidate, or other special status plant or animal.

All lands are subject to Exhibit CO-39 to protect cultural resources.

All lands are subject to Exhibit CO-56 to alert lessee of potential supplementary air analysis.

PVT/BLM; COS:TRFO

PARCEL ID: 7982

T.0420N., R.0140W., NMPM

Section 9: S2NE,SE,SENW,NESW,SE;

Section 10: S2;

San Miguel County

Colorado 640.000 Acres

The following lands are subject to Exhibit 1.3.1 for perennial streams, water bodies, riparian areas and fens:

T.0420N., R.0140W., NMPM

Section 9: S2NE,SE;

Section 10: S2;

The following lands are subject to Exhibit 1.3.2 for perennial streams, water bodies, riparian areas and fens:

T.0420N., R.0140W., NMPM

Section 9: S2NE,SE;

Section 10: S2;

The following lands are subject to Exhibit 1.4.1 for intermittent and ephemeral streams:

T.0420N., R.0140W., NMPM

Section 9: S2NE,SE;

Section 10: S2;

The following lands are subject to Exhibit 1.4.2 for intermittent and ephemeral streams:

T.0420N., R.0140W., NMPM

Section 9: S2NE,SE;

Section 10: S2;

The following lands are subject to Exhibit 1.7.1 for reservoirs and lakes:

T.0420N., R.0140W., NMPM

Section 9: S2NE,SE;

Section 10: S2;

The following lands are subject to Exhibit 1.9.1 for lands with slopes greater than 35 percent:

T.0420N., R.0140W., NMPM

Section 9: S2NE,SE;

Section 10: S2;

The following lands are subject to Exhibit 1.10.1 for lands with 25-35 percent slopes and lands with shale soils.

T.0420N., R.0140W., NMPM

Section 9: S2NE,NESW,SE;

Section 10: S2;

The following lands are subject to Exhibit 3.3.2 for Southwestern Willow Flycatcher:

T.0420N., R.0140W., NMPM

Section 9: S2NE,SE;

Section 10: S2;

All lands are subject to Exhibit 3.8.1 for migratory birds.

The following lands are subject to Exhibit 3.10.1 for big game:

T.0420N., R.0140W., NMPM

Section 9: S2NE,SE;

Section 10: S2;

The following lands are subject to Exhibit 3.10.2 for big game:

T.0420N., R.0140W., NMPM

Section 9: S2NE,SE;

Section 10: S2;

All lands are subject to Exhibit CO-34 to alert lessee of potential habitat for a threatened, endangered, candidate, or other special status plant or animal.

All lands are subject to Exhibit CO-39 to protect cultural resources.

All lands are subject to Exhibit CO-56 to alert lessee of potential supplementary air analysis.

PVT/BLM; COS:TRFO

PARCEL ID: 7983

T.0420N., R.0140W., NMPM

Section 5: Lot 1-4;

Section 5: S2N2;

Section 6: Lot 1-5;

Section 6: SENE;

San Miguel County

Colorado 578.300 Acres

The following lands are subject to Exhibit 1.3.1 for perennial streams, water bodies, riparian areas and fens:

T.0420N., R.0140W., NMPM

Section 5: Lot 1-4;

Section 5: S2N2;

Section 6: Lot 1-5;

The following lands are subject to Exhibit 1.3.2 for perennial streams, water bodies, riparian areas and fens:

T.0420N., R.0140W., NMPM

Section 5: Lot 1-4;

Section 5: S2N2;

Section 6: Lot 1-5;

All lands are subject to Exhibit 1.4.1 for intermittent and ephemeral streams.

All lands are subject to Exhibit 1.4.2 for intermittent and ephemeral streams.

All lands are subject to Exhibit 1.6.1 for shallow groundwater.

The following lands are subject to Exhibit 1.7.1 for reservoirs and lakes:

T.0420N., R.0140W., NMPM

Section 6: Lot 2;

The following lands are subject to Exhibit 1.9.1 for lands with slopes greater than 35 percent:

T.0420N., R.0140W., NMPM

Section 5: Lot 1-4;

Section 5: S2N2;

Section 6: Lot 1,3-5;

Section 6: SENE;

The following lands are subject to Exhibit 1.10.1 for lands with 25-35 percent slopes and lands with shale soils:

T.0420N., R.0140W., NMPM

Section 5: Lot 1-4;

Section 5: S2N2;

Section 6: Lot 1,3-5;

Section 6: SENE;

The following lands are subject to Exhibit 3.3.1 for Southwestern Willow Flycatcher:

T.0420N., R.0140W., NMPM

Section 5: Lot 1-4;

Section 5: S2N2;

Section 6: Lot 1-5;

The following lands are subject to Exhibit 3.3.2 for Southwestern Willow Flycatcher:

T.0420N., R.0140W., NMPM

Section 5: Lot 1-4;

Section 5: S2N2;

Section 6: Lot 1-5;

All lands are subject to Exhibit 3.8.1 for migratory birds.

All lands are subject to Exhibit 3.9.1 for eagles, all accipiters, falcons, buteos and owls.

All lands are subject to Exhibit 3.9.2 for eagles, all accipiters, falcons, buteos and owls.

All lands are subject to Exhibit 3.10.2 for big game.

All lands are subject to Exhibit CO-34 to alert lessee of potential habitat for a threatened, endangered, candidate, or other special status plant or animal.

All lands are subject to Exhibit CO-39 to protect cultural resources.

All lands are subject to Exhibit CO-56 to alert lessee of potential supplementary air analysis.

PVT/BLM; COS:TRFO

PARCEL ID: 7984

T.0430N., R.0140W., NMPM

Section 19: Lot 3,4;

Section 19: E2W2;

San Miguel County

Colorado 246.520 Acres

All lands are subject to Exhibit 1.3.1 for perennial streams, water bodies, riparian areas and fens.

All lands are subject to Exhibit 1.3.2 for perennial streams, water bodies, riparian areas and fens.

All lands are subject to Exhibit 1.4.1 for intermittent and ephemeral streams.

All lands are subject to Exhibit 1.4.2 for intermittent and ephemeral streams.

The following lands are subject to Exhibit 1.6.1 for shallow groundwater:

T.0430N., R.0140W., NMPM

Section 19: Lot 4;

Section 19: E2W2;

The following lands are subject to Exhibit 1.7.1 for reservoirs and lakes:

T.0430N., R.0140W., NMPM

Section 19: Lot 3;

Section 19: E2W2;

The following lands are subject to Exhibit 1.9.1 for lands with slopes greater than 35 percent:

T.0430N., R.0140W., NMPM

Section 19: Lot 3;

Section 19: E2W2;

The following lands are subject to Exhibit 1.10.1 for lands with 25-35 percent slopes and lands with shale soils:

T.0430N., R.0140W., NMPM

Section 19: Lot 3;

Section 19: E2W2;

All lands are subject to Exhibit 3.3.1 for Southwestern Willow Flycatcher.

All lands are subject to Exhibit 3.3.2 for Southwestern Willow Flycatcher.

All lands are subject to Exhibit 3.8.1 for migratory birds.

All lands are subject to Exhibit 3.9.1 for eagles, all accipiters, falcons, buteos, and owls.

All lands are subject to Exhibit 3.9.2 for eagles all accipiters, falcons, buteos, and owls.

All lands are subject to Exhibit 3.10.2 for big game.

All lands are subject to Exhibit CO-34 to alert lessee of potential habitat for a threatened, endangered, candidate, or other special status plant or animal.

All lands are subject to Exhibit CO-39 to protect cultural resources.

All lands are subject to Exhibit CO-56 to alert lessee of potential supplementary air analysis.

PVT/BLM; COS:TRFO

PARCEL ID: 7985

T.0430N., R.0140W., NMPM

Section 33: E2W2,W2SW;

San Miguel County

Colorado 240.000 Acres

All lands are subject to Exhibit 1.3.1 for perennial streams, water bodies, riparian areas, and fens.

All lands are subject to Exhibit 1.3.2 for perennial streams, water bodies, riparian areas, and fens.

All lands are subject to Exhibit 1.4.1 for intermittent and ephemeral streams.

All lands are subject to Exhibit 1.4.2 for intermittent and ephemeral streams.

All lands are subject to Exhibit 1.6.1 for shallow groundwater.

All lands are subject to Exhibit 1.9.1 for lands with slopes greater than 35 percent.

All lands are subject to Exhibit 1.10.1 for lands with 25-35 percent slopes and lands with shale soils.

All lands are subject to Exhibit 3.3.1 for Southwestern Willow Flycatcher.

All lands are subject to Exhibit 3.3.2 for Southwestern Willow Flycatcher.

All lands are subject to Exhibit 3.8.1 for migratory birds.

All lands are subject to Exhibit 3.9.1 for eagles, all accipiters, falcons, buteos, and owls.

All lands are subject to Exhibit 3.9.2 for eagles, all accipiters, falcons, buteos and owls.

All lands are subject to Exhibit 3.10.2 for big game.

All lands are subject to Exhibit CO-34 to alert lessee of potential habitat for a threatened, endangered, candidate, or other special status plant or animal.

All lands are subject to Exhibit CO-39 to protect cultural resources.

All lands are subject to Exhibit CO-56 to alert lessee of potential supplementary air analysis.

PVT/BLM; COS:TRFO

PARCEL ID: 7986

T.0430N., R.0150W., NMPM

Section 27: NENW,S2NW;

Section 28: N2NW,S2N2;

San Miguel County

Colorado 360.000 Acres

All lands are subject to Exhibit 1.3.1 for perennial streams, water bodies, riparian areas, and fens.

All lands are subject to Exhibit 1.3.2 for perennial streams, water bodies, riparian areas, and fens.

All lands are subject to Exhibit 1.9.1 for lands with slopes greater than 35 percent.

All lands are subject to Exhibit 3.3.1 for Southwestern Willow Flycatcher.

All lands are subject to Exhibit 3.3.2 for Southwestern Willow Flycatcher.

All lands are subject to Exhibit 3.8.1 for migratory birds.

All lands are subject to Exhibit 3.9.1 for eagles, all accipiters, falcons, buteos, and owls.

All lands are subject to Exhibit 3.9.2 for eagles, all accipiters, falcons, buteos and owls.

The following lands are subject to Exhibit 3.10.2 for big game:

T.0430N., R.0150W., NMPM
Section 28: N2NW,S2N2;

The following lands are subject to Exhibit 3.10.3 for big game:

T.0430N., R.0150W., NMPM
Section 28: N2NW,S2N2;

The following lands are subject to Exhibit 3.11.1 for Gunnison Prairie Dog:

T.0430N., R.0150W., NMPM
Section 27: NENW,S2NW;

All lands are subject to Exhibit CO-34 to alert lessee of potential habitat for a threatened, endangered, candidate, or other special status plant or animal.

All lands are subject to Exhibit CO-39 to protect cultural resources.

All lands are subject to Exhibit CO-56 to alert lessee of potential supplementary air analysis.

PVT/BLM;BLM; COS:TRFO

PARCEL ID: 7987

T.0430N., R.0160W., NMPM
Section 3: W2SW;

San Miguel County
Colorado 80.000 Acres

All lands are subject to Exhibit 1.3.1 for perennial streams, water bodies, riparian areas, and fens.

All lands are subject to Exhibit 1.3.2 for perennial streams, water bodies, riparian areas, and fens.

All lands are subject to Exhibit 1.4.1 for intermittent and ephemeral streams.

All lands are subject to Exhibit 1.4.2 for intermittent and ephemeral streams.

All lands are subject to Exhibit 1.6.1 for shallow groundwater.

All lands are subject to Exhibit 1.9.1 for lands with slopes greater than 35 percent.

All lands are subject to Exhibit 1.10.1 for lands with 25-35 percent slopes and lands with shale soils.

All lands are subject to Exhibit 1.12.1 for lands with gypsum soils.

All lands are subject to Exhibit 2.2.1 for sensitive plant species.

All lands are subject to Exhibit 3.8.1 for migratory birds.

All lands are subject to Exhibit 3.9.1 for eagles, all accipiters, falcons, buteos, and owls.

All lands are subject to Exhibit 3.9.2 for eagles, all accipiters, falcons, buteos and owls.

All lands are subject to Exhibit 3.10.2 for big game.

All lands are subject to Exhibit 3.10.3 for big game.

All lands are subject to Exhibit CO-34 to alert lessee of potential habitat for a threatened, endangered, candidate, or other special status plant or animal.

All lands are subject to Exhibit CO-39 to protect cultural resources.

All lands are subject to Exhibit CO-56 to alert lessee of potential supplementary air analysis.

BLM; COS:TRFO

ATTACHMENT D: Stipulation Exhibits

EXHIBIT 1.3.1

Lease Number: <LEASE_NUMBER>

NO SURFACE OCCUPANCY

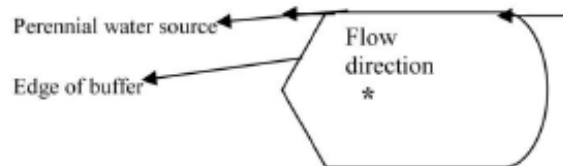
Perennial Streams, Water Bodies, Riparian Areas, and Fens

No surface occupancy or use is allowed on the lands described below: Prohibit surface occupancy and surface-disturbing activities within a minimum buffer distance of 325 horizontal feet for all perennial waters. For perennial streams, the buffer would be measured from the ordinary high water mark (bankfull stage), whereas for wetland features, the buffer would be measured from the edge of the mapped extent (Table H.1). For unmapped wetlands, the vegetative boundary (from which the buffer originates) would be determined in the field. Where the riparian zone extends beyond 325 feet, the NSO stipulation would be extended to include the entire riparian zone.

Table H.1: No Surface Occupancy Buffers for Perennial Waters

Water Body Type	Buffer Width (feet)
Fens and wetlands	325*
Perennial streams (with or without fish)	325 (as measured from ordinary high water mark)
Lotic or lentic springs and seeps	325 (as measured from wetland vegetation edge)
Riparian	325 (or greater if riparian area is wider than 325 feet)

*See Modification.



Wetland buffer dimensions may be averaged to accommodate variability in terrain or development plans. Up-gradient distances should be maintained (i.e., up- gradient buffer distances of 325 feet), while down-gradient buffers may be reduced to no less than 100 feet. The buffer averaging must, however, not adversely affect wetland functions and values, and a minimum buffer distance of 100 feet from the wetland edge is maintained. The buffer's intent is to protect the water source area of the wetland, which is more important than the down-gradient portion of the wetland.

For the purpose of: Maintaining the proper functioning condition, including the vegetative, hydrologic and geomorphic functionality of the perennial water body. Protect water quality, fish habitat, aquatic habitat, and provide a clean, reliable source of water for downstream users. Buffers are expected to indirectly benefit migratory birds, wildlife habitat, amphibians, and other species.

Justification: Wetlands, floodplains, riparian areas, water influence zones, and fens represent important ecological components and functions, such as storing water, stabilizing valley floors, enhancing water quality, and providing recreation and aesthetic values, biological diversity, and wildlife species with habitat, water, food, cover, and travel routes. They are easily disturbed by ground-disturbing activities that can cause soil erosion, soil compaction, and adverse changes to the hydrologic function that is important to maintaining the hydrologic and ecological integrity of these lands.

Exceptions, modifications, and waivers would be considered for BLM leases.

On the lands described below:

<LEGAL_DESCRIPTIONS>

EXHIBIT 1.3.2

Lease Number: <LEASE_NUMBER>

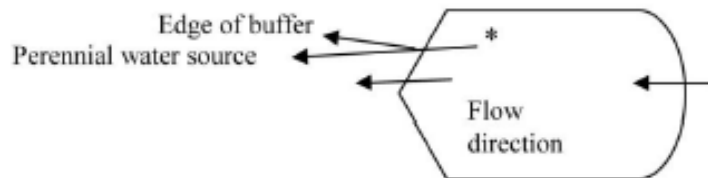
CONTROLLED SURFACE USE

Perennial Streams, Water Bodies, Riparian Areas, and Fens

Surface occupancy or use is subject to the following special operating constraints: From 325 to 500 horizontal feet from the perennial water body, CSU restrictions would apply. Surface-disturbing activities may require special engineering design, construction and implementation measures, including re-location of operations beyond 656 feet (200 meters) to protect water resources within the 325 foot NSO buffer. For perennial streams, the buffer would be measured from ordinary high water mark (bankfull stage), whereas for wetland features, the buffer would be measured from the edge of the mapped extent (Table H.2). For unmapped wetlands, the vegetative boundary (from which the buffer originates) would be determined in the field.

Table H.2: Controlled Surface Use buffers for perennial waters.

Water Body Type	Buffer Width (feet)
Fens and wetlands	325–500*
Perennial streams (with or without fish)	325–500 (as measured from ordinary high water mark)
Lotic or lentic springs and seeps	325–500 (as measured from wetland vegetation edge)



For the purpose of: Maintaining the proper functioning condition, including the vegetative, hydrologic, and geomorphic functionality of the perennial water body, to protect water quality, fish habitat, and aquatic habitat and provide a clean, reliable source of water for downstream users. Buffers are expected to indirectly benefit migratory birds, wildlife habitat, amphibians, and other species.

Justification: Minimizing potential deterioration of water quality; maintaining natural hydrologic function and condition of stream channels, banks, floodplains, and riparian communities; and preserving wildlife habitat. The buffers are sized to accommodate the rivers' larger floodplains and wider riparian zones.

Exceptions, modifications, and waivers would be considered for BLM leases.

On the lands described below:

<LEGAL_DESCRIPTIONS>

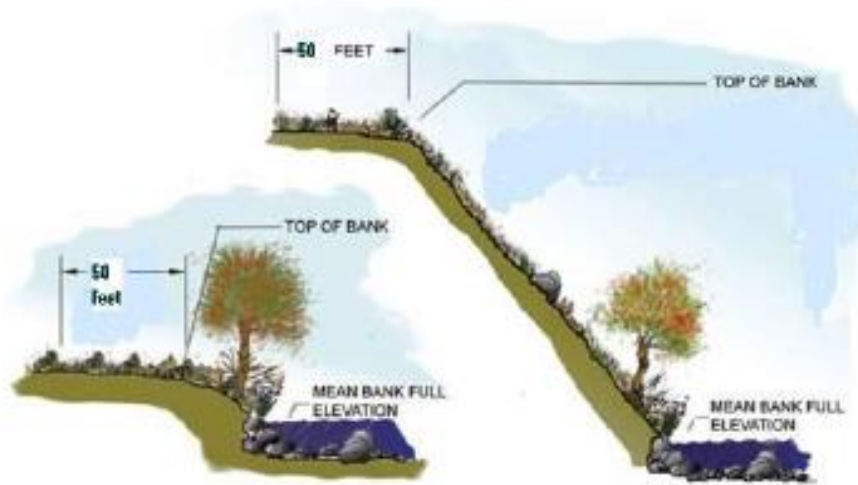
EXHIBIT 1.4.1

Lease Number: <LEASE_NUMBER>

NO SURFACE OCCUPANCY

Intermittent and Ephemeral Streams

No surface occupancy or use is allowed in the lands described below: NSO of 50 horizontal feet as measured from the top of the stream bank for all intermittent or ephemeral streams (see diagram). If riparian vegetation extends beyond the top of the stream bank, the buffer would be measured from the extent of the riparian vegetation.



For the purpose of: Maintaining and protecting water quality, stream stability, aquatic health, seasonal use and downstream fisheries, and sediment processes downstream.

Justification: Minimizing potential deterioration of water quality and maintaining natural hydrologic function and condition of stream channels, banks, floodplains, and riparian communities.

Exceptions, modifications, and waivers would be considered for BLM leases.

On the lands described below:

<LEGAL_DESCRIPTIONS>

EXHIBIT 1.4.2

Lease Number: <LEASE_NUMBER>

CONTROLLED SURFACE USE

Intermittent and Ephemeral Streams

Surface occupancy or use is subject to the following special operating constraints: CSU from the edge of the NSO buffer to 100 horizontal feet. Avoid locating roads, stream crossings, and facilities within this zone, because activities within this area can potentially affect streams and water quality. Adequate professional design and engineering of activities in this zone is necessary to prevent stormwater runoff and sedimentation. Measurement is from the top of the stream bank, although if wetland vegetation exists, then the measurement is from the vegetation's edge.

For the purpose of: Minimizing the risk of sedimentation, spills, and other contaminants reaching intermittent and/or ephemeral streams to protect water quality, stream function, and aquatic habitat.

Justification: CSU in this zone would minimize potential deterioration of water quality, maintain natural hydrologic function and condition of stream channels, banks, floodplains, and riparian communities.

Exceptions, modifications, and waivers would be considered for BLM leases.

On the lands described below:

<LEGAL_DESCRIPTIONS>

EXHIBIT 1.6.1

Lease Number: <LEASE_NUMBER>

CONTROLLED SURFACE USE

Groundwater Resources (shallow)

Surface occupancy or use is subject to the following special operating constraints: Oil and gas surface operations over shallow (<2,000 feet) potentially usable groundwater (<10,000 total dissolved solids) shall use the following protection measures:

- Pitless, self-contained drilling systems.
- In the completion of an oil, gas, injection, disposal, or service well, where acidizing or fracture processes are used, no deleterious substances shall be permitted to pollute subsurface water.
- Flowback and stimulation fluids would be contained within tanks that are placed on a well pad or in a lined, bermed area.
- Fluids, additives, and other materials used for drilling and completion operations must be protective of public health and the environment in the areas where they are used.
- For well where a multi-stage high volume hydraulic fracturing is anticipated, the operators shall indicate the method used to handle, transport, and dispose of the recovered fluids.

For the purpose of: Minimizing the risk of spills and other contaminants reaching potentially usable groundwater with a water table up to 2,000 feet that is near the surface.

Justification: CSU would minimize the risk of water quality contamination and maintain the integrity of potentially usable groundwater resources for present and future uses.

Exceptions, modifications, and waivers would be considered for BLM leases.

On the lands described below:

<LEGAL_DESCRIPTIONS>

EXHIBIT 1.7.1

Lease Number: <LEASE_NUMBER>

NO SURFACE OCCUPANCY

Reservoirs and Lakes

No surface occupancy or use is allowed on the lands described below: For reservoirs and lakes one acre or larger as measured by the high water mark, NSO is stipulated within 0.25 mile of the high water shoreline.

For the purpose of: Protecting water quality and the scenic, recreation, wetland, and wildlife values associated with the lake or reservoir and its shoreline.

Justification: Oil and gas development is incompatible with the emphasized use of these areas.

Exceptions, modifications, and waivers would be considered for BLM leases.

On the lands described below:

<LEGAL_DESCRIPTIONS>

EXHIBIT 1.9.1

Lease Number: <LEASE_NUMBER>

NO SURFACE OCCUPANCY

Lands with Slopes Greater Than 35 Percent

No surface occupancy is allowed on the lands described below: Lands with slopes greater than 35 percent.

For the purpose of: Preventing mass movement and the associated loss of soil productivity, preventing damage to structures and equipment, and protecting riparian areas, wetlands, and aquatic ecosystems from sedimentation and for safety reasons.

Justification: Slopes greater than 35 percent have high to very high potential for mass movement and excessive sheet erosion especially when they are impacted by ground-disturbing management activities. These lands are also very difficult to reclaim following disturbance.

Exceptions, modifications, and waivers would be considered for BLM leases.

On the lands described below:

<LEGAL_DESCRIPTIONS>

EXHIBIT 1.10.1

Lease Number: <LEASE_NUMBER>

CONTROLLED SURFACE USE

Lands with 25 to 35 Percent Slopes and Lands with Shale Soils

Surface occupancy or use is subject to the following special operating constraints:

Management activities proposed on those lands would require the lessee to submit an operating plan to an authorized official, which may include special design, construction, and implementation measures (including the relocation of operations by more than 650 feet) that describes how soil erosion, soil compaction, and runoff would be prevented or minimized, and how disturbed sites would be reclaimed.

For the purpose of: Preventing soil erosion, soil compaction, and runoff and the associated loss of soil productivity, and protecting riparian areas, wetlands, and aquatic ecosystems from sedimentation.

Justification: Lands with slopes of 25% to 35% and lands with shale soils have moderate to high potential for soil erosion, soil compaction, and runoff particularly when they are impacted by ground-disturbing management activities.

Exceptions, modifications, and waivers would be considered for BLM leases.

On the lands described below:

<LEGAL_DESCRIPTIONS>

EXHIBIT 1.12.1

Lease Number: <LEASE_NUMBER>

CONTROLLED SURFACE USE

Lands with Gypsum Soils

Surface occupancy or use is subject to the following special operating constraints: On lands with gypsum soils or gypsum bedrock and on lands within a 100-foot buffer around them. Management activities proposed on those lands would require the lessee to submit an operating plan to an authorized official, which may include special design, construction, and implementation measures (including the relocation of operation by more than 650 feet) that describes how impacts to gypsum soils, as well as the rare plants that occur on them, would be prevented or minimized and how disturbed sites would be reclaimed.

For the purpose of: Protecting the unique and rare gypsum soils on SJNF and TRFO lands and protecting the special status plant species associated with these soils.

Justification: Ground-disturbing activities could cause adverse effects to gypsum soils and to the rare plants and lichens associated with the including mortality to plants and lichens, soil erosion, and soil compaction.

Exceptions, modifications, and waivers would be considered for BLM leases.

On the lands described below:

<LEGAL_DESCRIPTIONS>

EXHIBIT 2.2.1

Lease Number: <LEASE_NUMBER>

CONTROLLED SURFACE USE

Colorado Bureau of Land Management State Director's Sensitive Plants and Region 2 Regional Forester's Sensitive Plants

Controlled surface use is allowed on the lands described below: Lands occupied by Colorado BLM State Director's Sensitive Plant Species, Region 2 Regional Forester's Sensitive Plant Species, and on lands within 325 –foot buffer around lands occupied by those plant species. Management activities proposed on those lands would require the lessee to submit an operating plan to a BLM Authorized Official, which may include special design, construction, and implementation measures (including the relocation of operations by more than 650 feet) that describes how impacts to BLM State Director's Sensitive Plant Species and Region 2 Regional Forester's Sensitive Plant Species would be prevented or minimized and how disturbed areas would be reclaimed.

For the purpose of: Protecting rare plant species and their habitat from direct and indirect impacts associated with management actions that could adversely affect those rare plants.

Justification: Management actions on the SJNF and TRFO could affect Colorado BLM State Director's Sensitive Plant Species, Region 2 Regional Forester's Sensitive Plant species, and their habitat, which could adversely affect the viability of those species and could lead to a trend of federal listing under ESA.

Exceptions, modifications, and waivers would be considered for BLM leases.

On the lands described below:

<LEGAL_DESCRIPTIONS>

EXHIBIT 3.3.1

Lease Number: <LEASE_NUMBER>

NO SURFACE OCCUPANCY

Southwestern Willow Flycatcher

Surface occupancy or use is subject to the following special operating constraints: Within 325 feet of the ordinary high water mark in mapped habitat.

For the purpose of: Prevent disruption of reproductive activity in mapped habitat.

Justification: The southwestern willow flycatcher is a federally designated endangered species with suitable breeding habitat within the planning area. Oil and gas activities have the potential to adversely affect the species.

Exceptions, modifications, and waivers would be considered for BLM leases.

On the lands described below:

<LEGAL_DESCRIPTIONS>

EXHIBIT 3.3.2

Lease Number: <LEASE_NUMBER>

TIMING LIMITATION

Southwestern Willow Flycatcher

Surface occupancy or use is subject to the following special operating constraints: May 1 to August 15 in mapped suitable nesting habitat.

For the purpose of: Prevent disruption of reproductive activity during the production period.

Justification: The southwestern willow flycatcher is a federally designated endangered species with suitable breeding habitat within the planning area. Oil and gas activities have the potential to adversely affect the species.

Exceptions, modifications, and waivers would be considered for BLM leases.

On the lands described below:

<LEGAL_DESCRIPTIONS>

EXHIBIT 3.8.1

Lease Number: <LEASE_NUMBER>

LEASE NOTICE

Migratory Birds

Avoid or minimize disruption of migratory bird nesting activity by siting or prioritizing vegetation clearing, facility construction, and concentrated operational activities (e.g., drilling, completion, utility installation) to avoid the involvement of higher value migratory bird habitats, particularly during the core migratory bird nesting season (April 1–July 15).

On the lands described below:

<LEGAL_DESCRIPTIONS>

EXHIBIT 3.9.1

Lease Number: <LEASE_NUMBER>

NO SURFACE OCCUPANCY

Eagles, All Accipiters, Falcons, Buteos, and Owls

No surface occupancy or use is allowed on the lands described below: Within specified distance from nest and communal winter roost sites, NSO would be allowed. Distances are listed in Table H.3.

For the purpose of: Provide adequate nesting and roost sites to support species populations.

Justification: These raptor species are known to have failed reproduction and abandon nests and communal winter roost sites when human activity occurs within the specified buffer distances from these sites. To increase the likelihood of successful reproduction and recruitment of these species, and to provide adequate roost sites for utilization of their habitat, NSO would be permitted within the specified buffer distances from nest and roost sites (see Table H.3).

Exceptions, modifications, and waivers would be considered for BLM leases.

On the lands described below:

<LEGAL_DESCRIPTIONS>

Table H.3: Raptor Conservation Measures

Species	Impact/Risk	Time Frame	Buffer Distance Restrictions	Reference
Golden eagle	Disturbance	December 15–July 15	Project-related activity should not occur within a 0.5 mile of nest during nesting season. (G)	CPW 2008
Golden eagle	Structural improvements *	Year round	New structures must not occur within 0.5-mile radius of active nest. (S)	CPW 2008
Bald eagle	Disturbance	November 15–July 15	Project-related activity should not occur within 0.5 mile of nest during nesting season. (G)	SJNF and TRFO
Bald eagle	Structural improvements *	Year round	New structures must not occur within a 0.5-mile radius of active nest. (S)	SJNF and TRFO
Bald eagle	Disturbance	November 15–March 15	Project-related activity should not occur within a 0.25-mile radius (indirect line of sight) or a 0.5-mile radius (direct line of sight) of communal winter roost site. Limit activity between 1000 and 1400 hours if encroachment would occur within buffer zones. (G)	CPW 2008
Bald eagle	Structural improvements *	Year round	New structures must not occur within 0.5 mile of communal roost site (S)	SJNF and TRFO
Bald eagle	Disturbance and structural improvements *	Site specific, to be determined by the project biologist	For preferred diurnal hunting perch	CPW 2008
Osprey	Disturbance **	April 1–August 31	Project-related activity should not occur within a 0.25-mile of nest during nesting season.	SJNF and TRFO
Osprey	Structural improvements *	Year-round	New structures should not occur within a 0.25-mile radius of active nest. (G)	CPW 2008
Red-tailed hawk	Disturbance	March 1–July 15	Project-related activity should not occur within 0.125 to 0.25 mile of nest during nesting season, as determined by the project biologist. (G)	SJNF and TRFO
Red-tailed hawk	Structural improvements *	Year-round	New structures should not occur within 0.25-mile radius of active nest. (G)	SJNF and TRFO
Peregrine falcon	Disturbance	March 15–July 31	Project-related activity should not occur within 0.5 mile of nest during nesting season.	CPW 2008
Peregrine falcon	Structural improvements *	Year-round	New structures must not occur within 0.5 mile radius of active cliff nest complex. (S)	CPW 2008
Prairie falcon	Disturbance	March 15–July 15	Project-related activity should not occur within 0.5 mile of nest during nesting season. (G)	CPW 2008
Prairie falcon	Structural	Year-round	New structures must not occur	CPW 2008

Species	Impact/Risk	Time Frame	Buffer Distance Restrictions	Reference
	improvements *		within a 0.5-mile radius of active nest.	
Northern goshawk	Disturbance	March 1–August 31	Project-related activity should not occur within 0.5 mile of nest during nesting season. (G)	SJNF and TRFO
Northern goshawk	Structural improvements *	Year-round	New structures should not occur within a 0.5-mile radius of active nest. (G)	CPW 2008
Burrowing owl	Disturbance	March 15–August 15	Project-related activity should not occur within 0.25 mile of nest burrows when owls may be present during nesting season. (G)	SJNF and TRFO
Burrowing owl	Structural improvements *	Year-round	New structures should not occur within a 0.25-mile radius of active nests or within occupied habitat. (G)	Romin and Muck 2002
All other accipiter, buteo, falcon, harrier, and owls	Disturbance **	Varied by species	Determination of the application of these specific seasonal restrictions, TL, and/or buffer distances should be made by the project biologist, guided by agency requirements, along with professional knowledge and experience. They would be considered on a case by case basis, taking into consideration site-specific factors such as topography, vegetation, species of raptor, historic patterns of human activity and infrastructure, and observed behaviors of individual birds (G)	Romin and Muck 2002
All other accipiter, buteo, falcon, harrier, and owls	Structural improvements *	Varied by species	Determination of the application of these specific seasonal restrictions, TL, and/or buffer distances should be made by the project biologist, guided by agency requirements, along with professional knowledge and experience. They would be considered on a case by case basis, taking into consideration site-specific factors such as topography, vegetation, species of raptor, historic patterns of human activity and infrastructure, and observed behaviors of individual birds. (G)	Romin and Muck 2002

* Structures include improvements such as roads, radio towers, oil wells, etc., proposed following nest establishment and is not intended to include structures that historically occurred in the area.

** This does not apply to historic levels and patterns of disturbance under which the nest was established and is intended to apply to additional levels and change in disturbance patterns.

Note: "S" indicates an LRMP standard and "G" indicates an LRMP guideline.

EXHIBIT 3.9.2

Lease Number: <LEASE_NUMBER>

TIMING LIMITATION

Eagles, All Accipiters, Falcons, Buteos, and Owls

No surface use is allowed during the following time period(s): A TL would be applied to lease activities, if surface occupancy is allowed. The TL would apply to all development activities (construction, drilling, workovers, operation, and maintenance). The duration of the timing limitation is species-dependent, and the timing limitation subject to this stipulation are shown in Table H.3.

For the Purpose of:

Justifications: These raptor species are known to have failed reproduction and abandon nests and communal winter roost sites when human activity occurs within the specified buffer distances from these sites. To increase the likelihood of successful reproduction and recruitment of these species, and to provide adequate roost sites for utilization of their habitat, NSO would be permitted within the specified buffer distances from nest and roost sites (see Table H.3).

Exceptions, modifications, and waivers would be considered for BLM leases.

On the lands described below:

<LEGAL_DESCRIPTIONS>

Table H.3: Raptor Conservation Measures

Species	Impact/Risk	Time Frame	Buffer Distance Restrictions	Reference
Golden eagle	Disturbance	December 15–July 15	Project-related activity should not occur within a 0.5 mile of nest during nesting season. (G)	CPW 2008
Golden eagle	Structural improvements *	Year round	New structures must not occur within 0.5-mile radius of active nest. (S)	CPW 2008
Bald eagle	Disturbance	November 15–July 15	Project-related activity should not occur within 0.5 mile of nest during nesting season. (G)	SJNF and TRFO
Bald eagle	Structural improvements *	Year round	New structures must not occur within a 0.5-mile radius of active nest. (S)	SJNF and TRFO
Bald eagle	Disturbance	November 15–March 15	Project-related activity should not occur within a 0.25-mile radius (indirect line of sight) or a 0.5-mile radius (direct line of sight) of communal winter roost site. Limit activity between 1000 and 1400 hours if encroachment would occur within buffer zones. (G)	CPW 2008
Bald eagle	Structural improvements *	Year round	New structures must not occur within 0.5 mile of communal roost site (S)	SJNF and TRFO
Bald eagle	Disturbance and structural improvements *	Site specific, to be determined by the project biologist	For preferred diurnal hunting perch	CPW 2008
Osprey	Disturbance **	April 1–August 31	Project-related activity should not occur within a 0.25-mile of nest during nesting season.	SJNF and TRFO
Osprey	Structural improvements *	Year-round	New structures should not occur within a 0.25-mile radius of active nest. (G)	CPW 2008
Red-tailed hawk	Disturbance	March 1–July 15	Project-related activity should not occur within 0.125 to 0.25 mile of nest during nesting season, as determined by the project biologist. (G)	SJNF and TRFO
Red-tailed hawk	Structural improvements *	Year-round	New structures should not occur within 0.25-mile radius of active nest. (G)	SJNF and TRFO
Peregrine falcon	Disturbance	March 15–July 31	Project-related activity should not occur within 0.5 mile of nest during nesting season.	CPW 2008
Peregrine falcon	Structural improvements *	Year-round	New structures must not occur within 0.5 mile radius of active cliff nest complex. (S)	CPW 2008
Prairie falcon	Disturbance	March 15–July 15	Project-related activity should not occur within 0.5 mile of nest during nesting season. (G)	CPW 2008
Prairie falcon	Structural	Year-round	New structures must not occur	CPW 2008

Species	Impact/Risk	Time Frame	Buffer Distance Restrictions	Reference
	improvements *		within a 0.5-mile radius of active nest.	
Northern goshawk	Disturbance	March 1–August 31	Project-related activity should not occur within 0.5 mile of nest during nesting season. (G)	SJNF and TRFO
Northern goshawk	Structural improvements *	Year-round	New structures should not occur within a 0.5-mile radius of active nest. (G)	CPW 2008
Burrowing owl	Disturbance	March 15–August 15	Project-related activity should not occur within 0.25 mile of nest burrows when owls may be present during nesting season. (G)	SJNF and TRFO
Burrowing owl	Structural improvements *	Year-round	New structures should not occur within a 0.25-mile radius of active nests or within occupied habitat. (G)	Romin and Muck 2002
All other accipiter, buteo, falcon, harrier, and owls	Disturbance **	Varied by species	Determination of the application of these specific seasonal restrictions, TL, and/or buffer distances should be made by the project biologist, guided by agency requirements, along with professional knowledge and experience. They would be considered on a case by case basis, taking into consideration site-specific factors such as topography, vegetation, species of raptor, historic patterns of human activity and infrastructure, and observed behaviors of individual birds (G)	Romin and Muck 2002
All other accipiter, buteo, falcon, harrier, and owls	Structural improvements *	Varied by species	Determination of the application of these specific seasonal restrictions, TL, and/or buffer distances should be made by the project biologist, guided by agency requirements, along with professional knowledge and experience. They would be considered on a case by case basis, taking into consideration site-specific factors such as topography, vegetation, species of raptor, historic patterns of human activity and infrastructure, and observed behaviors of individual birds. (G)	Romin and Muck 2002

* Structures include improvements such as roads, radio towers, oil wells, etc., proposed following nest establishment and is not intended to include structures that historically occurred in the area.

** This does not apply to historic levels and patterns of disturbance under which the nest was established and is intended to apply to additional levels and change in disturbance patterns.

Note: "S" indicates an LRMP standard and "G" indicates an LRMP guideline.

EXHIBIT 3.10.1

Lease Number: <LEASE_NUMBER>

TIMING LIMITATION

Big Game Parturition

No surface use is allowed during the following time period(s): In areas mapped as big game parturition areas for:

- Pronghorn antelope fawning areas (on SJNF and TRFO lands this includes the overall range for the species): May 1 through July 1
- Elk calving areas: May 15 through June 30
- Rocky Mountain bighorn sheep lambing: April 15 through June 30
- Desert bighorn sheep lambing: February 1 through May 1

For the purpose of: Parturition areas are critical habitat in maintaining herd sustainability. Disturbance during critical times can result in mortality and loss of reproductive recruitment into the population.

Justifications: In order to reduce behavioral disruption during parturition and early young rearing period.

Exceptions, modifications, and waivers would be considered for BLM leases.

On the lands described below:

<LEGAL_DESCRIPTIONS>

EXHIBIT 3.10.2

Lease Number: <LEASE_NUMBER>

CONTROLLED SURFACE USE

Severe Winter Range, Winter Concentration and Mule Deer Critical Winter Range and Big Game Production Areas

Surface occupancy or use is subject to the following special operating constraints: In order to provide for healthy ungulate populations capable of meeting state population objectives, anthropomorphic activity and improvements should be designed to maintain and continue to provide effective habitat components that support critical life functions. This includes components of size and quality on the landscape providing connectivity to seasonal habitats (wildlife travel corridors), production areas, severe winter range, and winter concentration areas, along with other habitat components necessary to support herd viability.

For the purpose of: Protecting priority habitats such as winter concentration areas for big game in order to prevent abandonment of critical habitat, and to maintain reproductive success, recruitment, and survival.

Justification: There is a growing body of evidence that TL stipulations on oil and gas development activities are not adequate to protect critical winter habitat and migratory corridors for big game. Managing the concentration and development such as drilling, construction, and the density of surface facilities may be necessary to maintain big game populations in developing areas. Examples may include surface disturbance caps, collocation of facilities, and central gathering facilities, noise reduction, and efforts to minimize traffic and road densities. Routine production activities would be allowed, however workover activities should be handled on a case by case basis.

On the lands described below:

<LEGAL_DESCRIPTIONS>

EXHIBIT 3.10.3

Lease Number: <LEASE_NUMBER>

TIMING LIMITATION

Timing Limitation-Winter Range

No surface use is allowed during the following time period(s): In areas mapped as big game severe winter range, winter concentration areas, and mule deer critical winter habitat:

- Pronghorn antelope: December 1 through April 30
- Rocky Mountain bighorn sheep: November 1 through April 15
- Desert Bighorn Sheep: December 1 through April 15
- Mule Deer: December 1 through April 30
- Elk: December 1 through April 30

On the lands described below: Big game severe winter range, winter concentration areas, and mule deer critical winter range as defined by CPW and managing agency wildlife biologist.

For the purpose of: Protecting winter range to reduce behavioral disruption of big game during the winter season, which can result in mortality to the species.

Justifications: In order to reduce behavioral disruption during parturition and early young rearing period.

Exceptions, modifications, and waivers would be considered for BLM leases.

On the lands described below:

<LEGAL_DESCRIPTIONS>

EXHIBIT 3.11.1

Lease Number: <LEASE_NUMBER>

CONTROLLED SURFACE USE

Gunnison Prairie Dog

Surface occupancy or use is subject to the following special operating constraints: A survey of the lease area may be required to determine occupation of Gunnison prairie dog. Development of lease parcels that include prairie dog towns would require one or more of the following conservation measures prior to and during lease development:

- Develop a surface use plan of operations with the managing agencies that integrates and coordinates long-term lease development with measures necessary to minimize adverse impacts to prairie dog populations or their habitat.
- Abide by special daily and seasonal restrictions on construction, drilling, product transport, and service activities during the reproductive period (March 1–June 15).
- Incorporate special modifications to facility siting, design, construction, and operation, or NSO to minimize involvement of prairie dog burrow systems.

For the purpose of: Maintaining the integrity and extent of prairie dog complexes, and protecting high value wildlife habitat and recreation values associated with designated state wildlife areas.

Justification: Gunnison prairie dog is a designated sensitive species by the managing agencies and a keystone species for the ecosystem.

Exceptions, modifications, and waivers would be considered for BLM leases.

On the lands described below:

<LEGAL_DESCRIPTIONS>

EXHIBIT CO-34

Lease Number: <LEASE_NUMBER>

ENDANGERED SPECIES ACT SECTION 7 CONSULTATION STIPULATION

The lease area may now or hereafter contain plants, animals, or their habitats determined to be threatened, endangered, or other special status species. BLM may recommend modifications to exploration and development proposals to further its conservation and management objective to avoid BLM-approved activity that will contribute to a need to list such a species or their habitat. BLM may require modifications to or disapprove proposed activity that is likely to result in jeopardy to the continued existence of a proposed or listed threatened or endangered species or result in the destruction or adverse modification of a designated or proposed critical habitat. BLM will not approve any ground-disturbing activity that may affect any such species or critical habitat until it completes its obligations under applicable requirements of the Endangered Species Act as amended, 16 U.S.C. § 1531 et seq., including completion of any required procedure for conference or consultation.

On the lands described below:

<LEGAL_DESCRIPTIONS>

EXHIBIT CO-39

Lease Number: <LEASE_NUMBER>

CONTROLLED SURFACE USE

This lease may be found to contain historic properties and/or resources protected under the National Historic Preservation Act (NHPA), American Indian Religious Freedom Act, Native American Graves Protection and Repatriation Act, E.O.13007, or other statutes and executive orders. The BLM will not approve any ground disturbing activities that may affect any such properties or resources until it completes its obligations under applicable requirements of the NHPA and other authorities. The BLM may require modification to exploration or development proposals to protect such properties, or disapprove any activity that is likely to result in adverse effects that cannot be successfully avoided, minimized or mitigated.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manual 1624 and 3101 or FS Manual 1950 and 2820.)

On the lands described below:

<LEGAL_DESCRIPTIONS>

EXHIBIT CO-56

Lease Number: <LEASE_NUMBER>

LEASE NOTICE

Due to potential air quality concerns, supplementary air quality analysis may be required for any proposed development of this lease. This may include preparing a comprehensive emissions inventory, performing air quality modeling, and initiating interagency consultation with affected land managers and air quality regulators to determine potential mitigation options for any predicted significant impacts from the proposed development. Potential mitigation may include limiting the time, place, and pace of any proposed development, as well as providing for the best air quality control technology and/or management practices necessary to achieve area-wide air resource protection objectives. Mitigation measures would be analyzed through the appropriate level of NEPA analysis to determine effectiveness, and will be required or implemented as a permit condition of approval (COA). At a minimum, all projects and permitted uses implemented under this lease will comply with all applicable National Ambient Air Quality Standards and ensure Air Quality Related Values are protected in nearby Class I or Sensitive Class II areas that are afforded additional air quality protection under the Clean Air Act (CAA).

On the lands described below:

<LEGAL_DESCRIPTION>

ATTACHMENT E: Responses to Public Comments

Responses to Public Comments March 2018 Competitive Oil and Gas Lease Sale

The Bureau of Land Management (BLM) received public comments from 40 individuals, 4 organizations, and 3 local government entities regarding the Tres Rios Field Office (TRFO) Determination of NEPA Adequacy (DNA) for the March 2018 oil and gas lease sale. The public comment period was held from September 9 through October 10, 2017. The substantive public comments received and the BLM's responses to those comments are summarized below.

Commenters 1-38 Summary of Substantive Comments

- a. All substantive comments received from individuals pertained to Parcel 7387 which has been deferred from the lease sale.
- b. Two organization's comments only pertained to Parcel 7387 which has been deferred from the lease sale. These organizations include:
 - 1. Shenandoah Estates Board of Directors
 - 2. Shenandoah Highlands Home Owners Association

BLM Response to Commenters 1-38

- a. At the State Director's discretion, approximately 40 acres encompassing the entire Parcel 7387 will be deferred from the March 2018 lease sale.

Commenter 39: La Plata County Board of County Commissioners

Summary of Substantive Comments

- a. "The minimal size of the parcels [7387 and 6434] will not allow for full field oil and gas development."
- b. "Parcel 7387 is immediately adjacent to a large county subdivision and we have heard a multitude of valid concerns from these property owners, most of whom failed to receive individualized notice of the proposed sale."
- c. "In sum, given the minimal size and the unaddressed impacts to our roads, property owned by our constituents, and our environment, we respectfully request deferral of the sale on both parcels until specific acceptable forms of mitigation have been identified."

BLM Response to Comment 39(a-c)

In accordance with section 17 (a) MLA, 30 U.S.C. § 226 (a), the BLM has been provided discretionary authority to decide whether and which federal lands to lease for oil and gas

development. In addition, the FLPMA and its implementing regulations have also tasked the BLM with managing the public lands in a manner that “conform[s] to the approved [land use] plan.” 43 U.S.C. § 1712; 43 CFR § 1610.5-3. Under the currently approved land use plan (the TRFO Approved RMP) parcel 6434 has been designated as available for oil and gas leasing, subject to protective stipulations. As such, the proposal to lease this parcel at the March 2018 oil and gas lease sale is in conformance with the currently approved TRFO RMP, regardless of physical size. At this time, the commenter has not provided a justifiable rationale in support of deferring the subject parcel.

To the concerns raised regarding access roads and disturbance- at the lease-sale stage, the BLM does not yet know 1) if a lease parcel proposed for an oil and gas lease sale will be purchased and result in the issuance of an oil and gas lease; 2) assuming a lease is issued for the proposed lease parcel, whether an application for permit to drill (APD) will be submitted for that lease, and 3) the specific location and operating procedures for oil and gas development that might be proposed for the lease parcel in the future. Moreover, the issuance of a federal oil and gas lease, by itself, does not authorize any surface disturbing oil and gas operations for the leased lands. Instead, if an oil and gas lease is issued, and then an APD is submitted for the lease, surface disturbing oil and gas operations can only be authorized on the lease following a site-specific environmental review in accordance with the National Environmental Policy Act (NEPA) and approval of the APD by the BLM.

Comments regarding Parcel 7387:

At the State Director’s discretion, approximately 40 acres, encompassing the entire Parcel 7387 will be deferred from the March 2018 lease sale.

Commenter 40: San Miguel County Board of County Commissioners

Summary of Substantive Comments

- a. "DNA is incorrect. Parcel 7980 was not included in public scoping materials and must be deferred."
- b. "DNA does not conform to the Land Use Plan (LUP), specifically the Tres Rios Field Resource Management Plan (TRFO RMP)".
- c. "While apparently the proposed lease parcels 7981-7987 are within areas open to leasing, stipulations specific to Gunnison Sage Grouse have not been applied to parcels that would or could lead to traffic, dust, noise and disturbance on access routes that go through Occupied GUSG habitat and go within .06 to 1.9 miles of active leks."
- d. "All seven parcels 7981-7987, are near occupied GUSG critical habitat and obvious existing access routes that any new routes would connect to go through occupied GUSG critical habitat and are proximal to leks."
- e. "The DNA does not conform to the TRFO RMP because it does not require stipulations 3.4.3, 3.4.4 for any of the lease parcels 7981, 7982, 7984, 7985, 7986, 7987."
- f. The DNA does not conform to the TRFO RMP because it does not apply 3.4.1 lease notice for Gunnison Sage grouse to any of the parcels 7981, 7982, 7984, 7985, 7986, 7987."

- g. "By Not having applied stipulations 3.4.1, 3.4.3, 3.4.4 it appears that there will be no ability for BLM to require appropriate and necessary limitations or mitigation requirements to protect critical GUSG habitat and lek buffers off-site where traffic related to exploration and development will occur."
- h. "In the BLM's discussion of adequacy criteria within the DNA, pages 4-6, the BLM fails to acknowledge that the ESA listing occurred. The DNA fails to acknowledge that the subject parcels are adjacent to lands being analyzed by two different ongoing RMP amendment processes."
- i. "Access routes for all these parcels would go through lands being analyzed by the Gunnison Range wide Plan Amendment and companion EIS which are analyzing additional protections, conservation and mitigation measures that would amend several RMPs, including multiple sections of the TRFO RMP and Appendix H."
- j. "The fact that the BLM is performing the GUSG RMP Amendment/EIS and developing a preferred alternative that would amend the very NEPA documents cited by this DNA as the basis for the March 2018 sale, demonstrates that the listing of the GUSG as a federally threatened species and designation of its critical habitat is a significant current environmental concern that did not exist at the production time of the TRFO RMP and EIS."
- k. "Since the BLM is currently analyzing applying additional conservation measures to the TRFO RMP that will better avoid, mitigate and compensate for impacts to GUSG points to the existence of current environmental concerns, interests and resource values that make the NEPA cited as the basis for this DNA inadequate."
- l. "Leasing parcels 7981-7987 will have significant negative impacts on the San Miguel Basin GUSG population."
- m. "The sale of lease parcels 7981-7987 will affect lands that have been protected by Colorado Parks and Wildlife and San Miguel County for GUSG."
- n. "Lease parcels 7981-7987 lie between Dry Creek Basin and Miramonte Reservoir Leks, within an important connective corridor. These parcels should be deferred from lease sale until the GUSG RMP Amendment is completed."
- o. "Leasing parcels 7981-7987 prior to the decision of the GUSG RMP Amendment will create legacy leases without protections required to be analyzed and incorporated into the GUSG RMP Amendment by IM 2014-100."
- p. Deferring Parcels 7981-7987 is consistent with IM 2014-100.
- q. Disturbance will be focused outside of a 4-mile buffer around leks. The BLM contends that little, or no disturbance occurs within 4-mile lek buffer, except for valid existing rights and except where benefits to the GISG are greater compared to other available alternatives.
- r. The existing TRFO RMP that is the basis for this DNA and lease sale did not analyze an alternative that provided "little or no disturbance" within the 4-mile lek buffer.

BLM Response to Comments 40(a)

Parcel 7980 was deferred during an internal review period where it was identified to intersect GUSG lek buffer zones. This was explained to the San Miguel BOCC in a presentation regarding the March 2018 oil and gas lease sale on June 28, 2017. It was removed from public scoping

because the parcel was deferred prior to the scoping period. This was also explained to the San Miguel County BOCC at the June presentation.

BLM Response to Comments 40(b)

The DNA prepared by the TRFO for the March 2018 oil and gas lease sale documents the BLM's review and verification, tiered to the TRFO Approved RMP and FEIS, which adequately analyzed the reasonably foreseeable impacts of and applied appropriate protective measures for any future oil and gas development associated with the proposed lease parcels. Any oil and gas leases that are issued for the proposed parcels would be issued subject to the standard lease terms contained in BLM Form 3100-11 and the protective stipulations required for each parcel, as described in Appendix H of the TRFO Approved RMP, and the DNA and Sale Notice for the March 2018 oil and gas lease sale. The Approved RMP, DNA and Sale Notice have been and are available for public review.

BLM Response to Comments 40(c-d)

At the lease-sale stage, the BLM does not yet know 1) if a lease parcel proposed for an oil and gas lease sale will be purchased and result in the issuance of an oil and gas lease; 2) assuming a lease is issued for the proposed lease parcel, whether an application for permit to drill (APD) will be submitted for that lease, and 3) the specific location and operating procedures for oil and gas development that might be proposed for the lease parcel in the future. Moreover, the issuance of a federal oil and gas lease, by itself, does not authorize any surface disturbing oil and gas operations for the leased lands. Instead, if an oil and gas lease is issued, and then an APD is submitted for the lease, surface disturbing oil and gas operations can only be authorized on the lease following a site-specific environmental review in accordance with the National Environmental Policy Act (NEPA) and approval of the APD by the BLM. Furthermore, when conducting its site-specific environmental review of surface disturbances proposed in an APD, the BLM may impose "conditions of approval" (COAs) consistent with the lease terms, stipulations and federal laws and regulations applicable to the lease in order to protect other, non-fluid mineral resource values, such as wildlife. In addition, pursuant to the standard lease terms contained in BLM Form 3100-11, which are applied to all BLM-issued oil and gas leases, all rights granted under a federal oil and gas lease are subject to compliance with the applicable federal laws, which include the NEPA, the National Historic Preservation Act and the Endangered Species Act (ESA), just to name a few. As such, if in the future an APD is submitted for one of the proposed lease parcels, and the required site-specific environmental review of the oil and gas activities proposed in that APD indicate that the proposed activities have the potential to adversely impact GUSG, a species that has been listed as threatened under the ESA, the BLM could impose protective and/or mitigating measures in the form of COAs and/or require a modification to the location, design or some other aspect of the proposal, and it could only authorize oil and gas activities pursuant to that APD if it determines, in consultation with the U.S. Fish and Wildlife Service, that the authorized activities would not be likely to "jeopardize the continued existence" or result in the "destruction or adverse modification" of critical habitat for GUSG.

BLM Response to Comments 40(e)

Lease stipulation 3.4.3 is a Controlled Surface Use (CSU) stipulation regarding unoccupied GUSG habitat. This stipulation constrains operations within designated unoccupied habitat, and restricts occupancy within 0.6 miles of a newly identified lek site. It also includes a timing limitation within 4 miles of identified lek sites from March 1 through June 30. There are no newly identified lek sites within .6 miles, or 4 miles of parcels 7981-7987. Furthermore, there are no mapped instances of GUSG unoccupied habitat within parcels 7981-7984 as indicated by CPW comments to the lease sale dated 10/10/2017, “While no parcels from the March 2018 sale are located within mapped GUSG habitats...” Unoccupied habitat is a specific designation of potential GUSG habitat, set forth by the USFWS and CPW. It does not refer to areas significantly similar to GUSG habitat that simply do not have birds present. Unoccupied critical habitat must be identified by the USFWS.

Lease stipulation 3.4.4 is a CSU restricting noise in occupied or unoccupied GUSG habitat. Again, this will not apply to parcels 7981-7987 because they do not meet the threshold designation of occupied or unoccupied habitat for the stipulation to apply.

BLM Response to Comments 40(f)

Lease notice 3.4.1 notifies operators of mapped GUSG habitat within a lease parcel, as identified by managing agencies, either currently or prospectively. As stated in previous protest responses, there are no instances of occupied or unoccupied GUSG habitat within parcels 7981-7987.

BLM Response to Comments to 40(g)

While stipulations 3.4.1, 3.4.2 and 3.4.3 will not be applied to parcels 7981-7987, this does not restrict the BLM's ability to require appropriate and necessary limitations or mitigation requirements to protect critical GUSG habitat or lek buffers off-site. As previously stated, lease stipulations only apply to the lands that are contained within a lease parcel. Furthermore, there are no instances of GUSG habitat, occupied or unoccupied, on these lease parcels. This means that any mitigation for GUSG would necessarily apply only if a project proposed in the future were to include the use of lands partially outside of lease boundaries, and within mapped occupied or unoccupied habitat. At that point, we would analyze the proposed action for an APD within the context of site specific NEPA. If the proposed project area contained mapped GUSG habitat, we would survey, consult with the USFWS, and determine appropriate mitigation prior to the approval of any subsequent APD, in accordance with the ESA.

BLM Response to Comments to 40(h)

On page 5 of the March 2018 Oil and Gas Lease Sale DNA (DOI-BLM-SO10-2017-0011-DNA), BLM TRFO addresses the questions “Is the existing analysis adequate in light of any new information or circumstances (such as rangeland health standards, recent endangered species listings, updated list of BLM sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?” The BLM TRFO explains that the TRFO RMP/FEIS analysis is adequate to support leasing of lands currently being considered for leasing. The March 2018 Lease Sale does

not include any lands that have mapped GUSG habitat, occupied or unoccupied. It is outside of any leks, or lek buffer zones. Furthermore, all lands that fall within the decision space of the GUSG RMP Amendment have been deferred.

Because entire proposed parcels or portions of proposed parcels that are within the mapped areas of the RMP Amendment have been deferred from the lease sale, the TRFO RMP/FEIS is adequate for leasing oil and gas resources in areas without GUSG habitat.

The Federal Land Policy and Management Act (FLPMA) and its implementing regulations direct the BLM to identify and consider areas that meet the criteria of “relevance” and “importance” for designation and protection as Areas of Critical Environmental Concern (ACECs) during the land use planning process. See 43 CFR §16107-2; see also 43 U.S.C. § 1712. The lands within the Gypsum Valley ACEC and the areas of proposed ACECs being reconsidered for ACEC designation in the ACEC RMP Amendment were previously considered during the most recent land use planning process, and under the approved TRFO RMP these areas have been designated as available for oil and gas leasing, subject to protective stipulations. FLPMA and its implementing regulations also direct BLM to manage the public lands in manner that “conform[s] to the approved [land use] plan.” 43 U.S.C. § 1712; 43 CFR § 1610.5-3. The proposal to lease parcels at the March 2018 oil and gas lease sale is in conformance with the currently approved land use plan.

BLM Response to Comments to 40(i)

The proposed action within the subject DNA is to offer nine parcels for competitive lease sale. The current action is not analyzing any form of development. At the lease-sale stage, the BLM does not yet know 1) if a lease parcel proposed for an oil and gas lease sale will be purchased and result in the issuance of an oil and gas lease; 2) assuming a lease is issued for the proposed lease parcel, whether an application for permit to drill (APD) will be submitted for that lease, and 3) the specific location and operating procedures for oil and gas development that might be proposed for the lease parcel in the future. At this time, the BLM does not know if an operator will propose off-lease disturbance associated with oil and gas development of parcels 7981-7987. Furthermore, any lease stipulation associated with parcels 7981-7987 would only affect development within the physical boundaries of the lease parcel and would not apply to projects or disturbance outside of the lease area. BLM is not required to make off-lease lands available to support oil and gas development, and will analyze the potential site-specific impacts of any proposed development, including any proposed off-lease activity or disturbance, if it receives a development proposal.

BLM Response to Comments to 40(j-n)

There are no mapped instances of GUSG habitat, occupied or unoccupied, within parcels 7981-7984 as indicated by CPW comments to the lease sale dated 10/10/2017. “Unoccupied habitat” is a specific designation of potential GUSG habitat, set forth by the USFWS and CPW. It does not refer to areas significantly similar to GUSG habitat that simply do not have birds. “Unoccupied critical habitat” must be identified by the USFWS. BLM has deferred from the March 2018 lease sale all parcels that fall within the potentially affected areas within the TRFO that are currently

under consideration in the GUSG RMPa process, eliminating any concern regarding new GUSG alternatives and decisions. Furthermore, the standard lease terms contained in BLM Form 3100-11 are applied to all BLM-issued oil and gas leases, and these terms would be applied to any leases issued for the lease parcels proposed for the March 2018 oil and gas lease sale. Pursuant to these standard lease terms, all rights granted under a federal oil and gas lease are subject to compliance with the applicable federal laws, including the ESA. As such, if in the future an APD is submitted for one of the proposed lease parcels, and the required site-specific environmental review of the oil and gas activities proposed in that APD indicate that the proposed activities have the potential to adversely impact GuSG, a species that is protected as threatened under the ESA, the BLM could impose protective and/or mitigating measures in the form of COAs and/or require a modification to the location, design or some other aspect of the proposal. Moreover, BLM would consult with the U.S. Fish and Wildlife Service, and only would authorize activities that are not likely to “jeopardize the continued existence” or result in the “destruction or adverse modification” of critical habitat for GuSG. In light of the protections already available pursuant to the standard lease terms and the ESA, along with the fact that none of the TRFO parcels proposed for offering at the March 2018 lease sale contain critical habitat for GuSG, the deferral of additional parcels pending the completion of the GuSG Plan Amendment process is not warranted.

BLM Response to Comments 40 (o-p):

The commenter has misinterpreted WO-IM-2014-100 “Gunnison Sage-Grouse Habitat Management Policy on Bureau of Land Management-Administered Lands in Colorado and Utah” dated May 30, 2014. The IM states, paragraph 6,

“Unless otherwise stated, BLM management actions and conservation measures in this IM apply to occupied habitat. Occupied habitat is defined in this IM as the FWS “proposed occupied critical habitat” hereafter referred to as occupied, for GUSG in Colorado and Utah.”

Furthermore, WO-IM-2014-100 contains specific language and direction regarding new nominated lease parcels,

“New Nominated Leases In accordance with WO IM 2010-117, Change 1, ‘the State Directors have discretion to temporarily defer leasing on specific tracts of land based on information under review during planning.’ Since the RCP (2005) was signed, the BLM Colorado’s policy has been to defer leasing of occupied GUSG habitat until new FO land use planning has been completed, as these documents detail significant new information on GUSG not addressed in current plans. The BLM will continue to defer leasing in occupied habitat to avoid affecting decisions related to future management decisions.”

In accordance with WO-IM-2014-100, BLM has deferred from the March 2018 lease sale all parcels that fall within the potentially affected areas within the TRFO that are currently under consideration in the GUSG RMPa, therefore eliminating any concern regarding new GUSG alternatives and decisions.

BLM Response to Comments 40 (q-r):

See response to Comment 40 (c-d)

Commenter 41: Rocky Mountain Wild

Summary of Substantive Comments

- a. Access routes for all these parcels would go through lands being analyzed by the Gunnison Range wide Plan Amendment and companion EIS which are analyzing additional protections, conservation and mitigation measures that would amend several RMPs.
- b. Parcel 7987 should be deferred from the lease sale for falling within the Gyp Valley ACEC and potential little and big gypsum valley ACECs.
- c. BLM should complete EAs for all oil and gas lease sales in compliance with IM 2010-117, with specific exceptions only for areas with comprehensive MLPs in place.
- d. Preparing DNAs rather than EAs in field offices with recently revised RMPs is inappropriate interpretation of IM 2010-117, and does not comply with the intent or spirit of the agency's leasing reforms.
- e. BLM must complete EAs for oil and gas lease sales, in compliance with IM 2010-117 which directs that most parcels that the field office determines should be available for lease will require site-specific NEPA analysis-typically an EA.
- f. An EIS may be required prior to leasing the parcels at issue here. Leasing and subsequent development of the parcels at issue may result in significant negative impacts and an Environmental Impact Statement (EIS) may be needed to meet the legal requirements of the NEPA.
- g. BLM's determination of NEPA Adequacy prepared for the March 2018 lease sale is inadequate to analyze and provide for public review of the proposed lease sale parcels.
- h. The BLM's determination of NEPA adequacy is inadequate to analyze the impacts of leasing on GUSG.
- i. Stipulations have not been attached to these lease parcels in conformance with the BLM Tres Rios Field Office, San Juan National Forest Land and Resource Management Plan Final Environmental Impact Statements.
- j. Parcels 7981 -7986 are in a location where some potential access roads bisect .6 mile buffers around leks, and where all potential access roads bisect occupied critical habitat and areas within 1.9 miles of leks.
- k. Leasing of parcels 7981-7986 will have significant negative impacts on GUSG that have not been analyzed in the TRFO RMP/FEIS and must be deferred pending adequate NEPA analysis.
- l. Oil and gas leasing of the proposed parcels is likely to have significant negative indirect and cumulative impacts on GUSG.
- m. Oil and gas leasing and subsequent development on parcels 7981-7986 are in a location where some potential access roads bisect .6 mile buffers around leks and where all potential access roads bisect critical occupied habitat and areas within 1.9 miles of leks.
- n. Oil and gas lease parcels, 7981-7986 which are in close proximity to occupied critical GUSG habitat, may result in significant negative impacts on GUSG in occupied critical habitat, even if all development occurs outside of occupied critical habitat.

- o. The BLM's DNA is inadequate to analyze the impacts of leasing on potential ACECs.
- p. Parcel 7987 has overlap with 2 potential ACEC of concern, Little and Big Gypsum Valley, which are currently being considered for designation through the TRFO ACEC RMP Amendment.
- q. Parcel 7987 should be deferred from the lease sale. This parcel is in the designated Gypsum Valley ACEC and contains known occurrences of the globally imperiled Gypsum Valley Cateye.
- r. However, stipulations have not been attached to lease parcel 7987 in conformance with the BLM TRFO EIS to protect known occurrences of the Gypsum Valley cateye.
- s. BLM must defer parcels in areas being considered for closure to oil and gas leasing and/or new lease stipulations, though ongoing RMP Amendment, until the RMP AMENDMENT are finished.
- t. NEPA requires that BLM avoid taking actions that will limit the choice of alternatives and prejudice the ultimate decision in ongoing RMP revision processes.
- u. Parcels 7987 are within potential ACEC being considered for designation through the ongoing TRFO ACEC RMP Amendment and associated EA. These parcels should be deferred from March 2018 oil and gas lease sale.
- v. Lease parcel 7987 overlaps with 1 of 15 nominated ACECs that BLM found met the relevance and importance criteria but that were not evaluated for designation in the draft or proposed RMP, and that are therefore now being considered for designation through the TRFO ACEC RMP Amendment , little and big valley ACEC.
- w. The BLM must consult with the USFWS prior to authorizing oil and gas drilling that will negatively impact GUSG, and designated critical habitat.

BLM Response to Comments 41(a):

See response to Comment 40 (c-i)

BLM Response to Comment 41(b)

Pursuant to the Federal Land Policy and Management Act and its implementing regulations, the BLM is required to identify and consider areas that meet the criteria of “relevance” and “importance” for designation and protection as Areas of Critical Environmental Concern (ACECs) during the land use planning process. See 43 CFR §16107-2; see also 43 U.S.C. § 1712. With respect to the lands within the Gypsum Valley ACEC and the areas of proposed ACECs currently being reconsidered for ACEC designation, these areas were previously considered during the land use planning process to revise the current TRFO RMP and under the currently approved TRFO RMP these areas have been designated as available for oil and gas leasing, subject to protective stipulations. The Federal Land Policy and Management Act and its implementing regulations have also tasked the BLM with managing the public lands in a manner that “conform[s] to the approved [land use] plan.” 43 U.S.C. § 1712; 43 CFR § 1610.5-3. The proposal to lease parcels at the March 2018 oil and gas lease sale is in conformance with the currently approved land use plan, meeting NEPA adequacy criteria.

BLM Response to Comment 41(c-e)

The DNA prepared by the TRFO for the March 2018 oil and gas lease sale documents the BLM's review and verification that the TRFO Approved RMP and FEIS adequately analyzed the reasonably foreseeable impacts of any future oil and gas development associated with the proposed lease parcels, and applied appropriate protective measures. The BLM is not required to perform EAs in lieu of DNAs for oil and gas lease sales. Any oil and gas leases that are issued for the proposed parcels would be issued subject to the standard lease terms contained in BLM Form 3100-11 and the protective stipulations required for each parcel, as described in Appendix H of the TRFO Approved RMP, and the DNA and Sale Notice for the March 2018 oil and gas lease sale. The Approved RMP, DNA and Sale Notice have been and are available for public review.

At the lease-sale stage, the BLM does not yet know 1) if a lease parcel proposed for an oil and gas lease sale will be purchased and result in the issuance of an oil and gas lease; 2) assuming a lease is issued for the proposed lease parcel, whether an application for permit to drill (APD) will be submitted for that lease, and 3) what specific location and operating procedures for oil and gas development might be proposed for the lease parcel in the future. Moreover, the issuance of a federal oil and gas lease, by itself, does not authorize any surface disturbing oil and gas operations for the leased lands. Instead, if an oil and gas lease is issued, and then an APD is submitted for the lease, surface disturbing oil and gas operations can only be authorized on the lease following a site-specific environmental review in accordance with the National Environmental Policy Act (NEPA) and approval of the APD by the BLM. Furthermore, when conducting its site-specific environmental review of surface disturbances proposed in an APD, the BLM may impose "conditions of approval" (COAs) consistent with the lease terms, stipulations and federal laws and regulations applicable to the lease in order to protect other, non-fluid mineral resource values, such as wildlife. In addition, pursuant to the standard lease terms contained in BLM Form 3100-11, which are applied to all BLM-issued oil and gas leases, all rights granted under a federal oil and gas lease are subject to compliance with the applicable federal laws, which include the NEPA, the National Historic Preservation Act and the Endangered Species Act (ESA), just to name a few.

BLM Response to Comment 41(f)

The DNAs prepared by the TRFO for the March 2018 oil and gas lease sale document the BLM's review and verification that the TRFO RMP EIS adequately analyzed the reasonably foreseeable impacts of leasing and future oil and gas development in the planning area, and adopted appropriate protective measures in the form of stipulations for resource protection. Any oil and gas leases that are issued for the proposed parcels would be issued subject to the standard lease terms contained in BLM Form 3100-11 and the protective stipulations required for each parcel, as described in Appendix H of the Approved TRFO RMP, and the DNA and Sale Notice that have been prepared for the March 2018 competitive oil and gas lease sale. Pursuant to the standard lease terms contained in BLM Form 3100-11 the lease rights granted are subject to adherence with the applicable federal statutes and regulations, which includes the Federal Land Policy and Management Act (FLPMA) and the Mineral Leasing Act (MLA). Section 4 of the standard lease terms requires that the lessee exercise reasonable diligence in order to, "prevent

unnecessary damage to, loss of, or waste of leased resources.” Section 6 of the standard lease terms provides that the lessee conduct operations in a manner that minimizes adverse impacts to the land, air, and water, to cultural, biological, visual, and other resources, and to other land uses or users.”

The stipulations applied to each parcel were developed through the TRFO RMP EIS in order to adequately protect other resources that may be present and that have not been specifically addressed through the standard lease terms. The application of the standard lease terms and protective stipulations to any leases that might be issued for the proposed parcels will help to ensure that any future oil and gas development on the parcels occurs in full compliance with law and minimizes adverse impacts to the human environment. The protest has not identified new information or circumstances that suggest that potential significant impacts associated with leasing the subject parcels were not adequately considered in the TRFO RMP EIS; therefore, no additional analysis is warranted.

BLM Response to Comment 41(g):

The opportunities for public involvement with the March 2018 oil and gas lease sale include/included an initial public scoping period held June 5, 2017 to July 6, 2017, a public comment period held September 7 to October 10, 2017, and a 30-day protest period that is planned for December 8, 2017 to January 9, 2018.

Additionally, during the development of the TRFO FEIS, which is the basis for analysis within this document, the BLM and USFS met and consulted with various federal, state, tribal, and local agencies throughout the process, including coordination with the Town of Rico and Montezuma County, which assumed more formal roles as cooperating agencies. The SJNF and TRFO conducted and attended many meetings throughout the planning process to keep all interested parties informed and to solicit opinions and input germane to management of resources within the planning area. SJNF and TRFO staff and community participants engaged in dozens of professionally facilitated, well-attended planning events, meetings, study groups, and workshops. In an effort that has far exceeded requirements and typical expectations for public involvement processes, the SJNF and TRFO engaged citizens, community organizations, and government agencies using professional support and innovative media and forums that focused community input directly toward development of the LRMP and FEIS.

BLM Response to Comment 41(h)

The March 2018 lease sale has deferred all parcels that fall within the potentially affected areas within the TRFO that are currently under analyses within the GUSG RMP Amendment; therefore, eliminating any concern regarding newly developed GUSG alternatives and decisions. Furthermore, the standard lease terms contained in BLM Form 3100-11 are applied to all BLM-issued oil and gas leases, and these terms would be applied to any leases issued for the lease parcels proposed for the March 2018 oil and gas lease sale. Pursuant to these standard lease terms, all rights granted under a federal oil and gas lease are subject to compliance with the applicable federal laws, including the ESA. As such, if in the future an APD is submitted for one of the proposed lease parcels and the required site-specific environmental review of the oil and gas activities proposed in that APD indicate that the proposed activities have the potential to adversely impact GUSG, a species that is protected as threatened under the ESA, the BLM could

impose protective and/or mitigating measures in the form of COAs and/or require a modification to the location, design or some other aspect of the proposal, and it could only authorize oil and gas activities pursuant to that APD if it determines, in consultation with the U.S. Fish and Wildlife Service, that the authorized activities would not be likely to “jeopardize the continued existence” or result in the “destruction or adverse modification” of critical habitat for GUSG. In light of the protections already available pursuant to the standard lease terms and the ESA, along with the fact that none of the TRFO parcels proposed for offering at the March 2018 lease sale contain critical habitat for GUSG, the deferral of additional parcels pending the completion of the GUSG Plan Amendment process does not appear warranted at this time.

BLM Response to Comment 41(i):

All applicable stipulations have been attached to the proposed lease parcels.

BLM Response to Comments 41 (j-n):

See response to Comment 40 (c-d)

BLM Response to Comments 41 (o-q)

See response to Comments to 40 (h)

BLM Response to Comments 41 (r)

The omission of the stipulation was an oversight. CSU stipulation 2.2.1 for Sensitive Plant Species has been applied to all portions of parcel 7987 where it intersects the existing Gypsum Valley ACEC, consistent with the TRFO RMP.

The TRFO RMP/FEIS contains a robust analysis of potential impacts to Gypsum Valley Cateye from oil and gas operations. The potential future operations will be analyzed at a site specific APD stage once disturbance is proposed. At this time the BLM does not yet know 1) if a lease parcel proposed for an oil and gas lease sale will be purchased and result in the issuance of an oil and gas lease; 2) assuming a lease is issued for the proposed lease parcel, whether an application for permit to drill (APD) will be submitted for that lease, and 3) the specific location and operating procedures for oil and gas development that might be proposed for the lease parcel in the future. Moreover, the issuance of a federal oil and gas lease, by itself, does not authorize any surface disturbing oil and gas operations for the leased lands. Instead, if an oil and gas lease is issued, and then an APD is submitted for the lease, surface disturbing oil and gas operations can only be authorized on the lease following a site-specific environmental review in accordance with the National Environmental Policy Act (NEPA) and approval of the APD by the BLM. An EIS is not warranted at this time based on the current proposed actions and the impacts associated with that proposed action to the Gypsum Valley Cateye.

BLM Response to Comments 41(s-t):

The DNA prepared by the TRFO for the March 2018 oil and gas lease sale documents the BLM's review and verification that the TRFO Approved RMP and FEIS adequately analyzed the reasonably foreseeable impacts of and applied appropriate protective measures for any future oil and gas development associated with the proposed lease parcels. Any oil and gas leases that are issued for the proposed parcels would be issued subject to the standard lease terms contained in BLM Form 3100-11, and the protective stipulations required for each parcel, as described in Appendix H of the Approved TRFO RMP, and the DNA and Sale Notice that have been prepared for the March 2018 competitive oil and gas lease sale. Pursuant to the standard lease terms contained in BLM Form 3100-11 the lease rights granted are subject to adherence with the applicable federal statutes and regulations, which includes the Federal Land Policy and Management Act (FLPMA) and the Mineral Leasing Act (MLA). Section 4 of the standard lease terms requires that the lessee exercise reasonable diligence in order to, "prevent unnecessary damage to, loss of, or waste of leased resources." Section 6 of the standard lease terms provides that the lessee conduct operations in a manner that minimizes adverse impacts to the land, air, and water, to cultural, biological, visual, and other resources, and to other land uses or users." The stipulations applied to each parcel have been developed through the TRFO FEIS and Approved RMP in order to adequately protect other resources that may be present and that have not been specifically addressed through the standard lease terms. The application of the standard lease terms and protective stipulations to any leases that might be issued for the proposed parcels will help to ensure that any future oil and gas development on the parcels occurs in full compliance with the FLPMA, the MLA, and the NEPA and does not result in any significant impacts to the human environment. The comment has not provided information regarding any potential significant impacts associated with leasing the subject parcels that have not already been adequately considered in the TRFO Approved RMP and FEIS. Furthermore, the Tres Rios Field Office, in conjunction with the Colorado State Office, has diligently deferred, either in part or whole, proposed lease parcels that fall within the decision space of another NEPA document, such as the GUSG RMP Amendment or the ACEC RMP Amendment, currently under analysis at the Tres Rios Field Office.

BLM Response to Comments 41(u-v):

Pursuant to FLPMA and its implementing regulations, the BLM identifies and considers areas that meet the criteria of "relevance" and "importance" for designation and protection as Areas of Critical Environmental Concern (ACECs) during the land use planning process. See 43 CFR §16107-2; see also 43 U.S.C. § 1712. With respect to the lands within the existing Gypsum Valley ACEC and the lands under analysis in the ACEC amendment as the Proposed Gypsum Valley ACEC, these areas were previously considered during the land use planning process to revise the current TRFO RMP. In the RMP, the BLM committed to interim management of the areas found to meet relevance and importance while the amendment was in progress. The BLM has determined that the protections in the existing RMP, listed below, adequately protect those values for which this area was nominated and that leasing the area would not adversely impact the relevant and important values. Therefore, this action would not limit the BLM from considering this area for future designation as an ACEC. Under the approved TRFO RMP, the Gypsum Valley ACEC is open to oil and gas leasing, subject to protective stipulations. Page II-

141 of the TRFO RMP, shows the allowable, prohibited and restricted management activities and uses for the Gypsum Valley ACEC as "Minerals- leasable (oil and gas and other)." The oil and gas operations allowed on the ACEC are "restricted" by stipulations to be applied to leases to protect special status species, wildlife, soils, and water resources. In accordance with the allowable uses criteria found in the TRFO RMP, BLM has applied Exhibit 1.3.1 for perennial streams, water bodies, riparian areas and fens; 1.4.1 for intermittent or ephemeral streams; 1.4.2 for intermittent or ephemeral streams; 1.3.2 for perennial streams water bodies, riparian areas and fens; 1.9.1 for lands with slopes greater than 35%; 1.10.1 for lands with 25 to 35 percent slope and shale soils; 1.12.1 for lands with gypsum soils; 3.11.1 for Gunnison prairie dog; 1.13.1 for biological soil crusts; 3.8.1 for migratory birds lease notice; 3.9.1 and 3.9.2 for raptors; 3.10.2 for big game winter range; 3.10.3 for winter range; CO-34 to alert lessee of potential habitat for threatened, endangered, candidate, or other special status plants or animals; CO-39 to protect cultural resources; and CO-56 (lease notice) to alert lessees of potential for supplementary air quality analysis and mitigation. BLM must manage the public lands in a manner that "conform[s] to the approved [land use] plan." 43 CFR § 1610.5-3. The proposal to lease parcels in the March 2018 oil and gas lease sale conforms with the approved land use plan.

BLM Response to Comment 41(w)

At the lease-sale stage, the BLM does not yet know 1) if a lease parcel proposed for an oil and gas lease sale will be purchased and result in the issuance of an oil and gas lease; 2) assuming a lease is issued for the proposed lease parcel, whether an application for permit to drill (APD) will be submitted for that lease, and 3) the specific location and operating procedures for oil and gas development that might be proposed for the lease parcel in the future. Moreover, the issuance of a federal oil and gas lease, by itself, does not authorize any surface disturbing oil and gas operations for the leased lands. Instead, if an oil and gas lease is issued, and then an APD is submitted for the lease, surface disturbing oil and gas operations can only be authorized on the lease following a site-specific environmental review in accordance with the National Environmental Policy Act (NEPA) and approval of the APD by the BLM. Furthermore, when conducting its site-specific environmental review of surface disturbances proposed in an APD, the BLM may impose "conditions of approval" (COAs) consistent with the lease terms, stipulations and federal laws and regulations applicable to the lease in order to protect other, non-fluid mineral resource values, such as wildlife. In addition, pursuant to the standard lease terms contained in BLM Form 3100-11, which are applied to all BLM-issued oil and gas leases, all rights granted under a federal oil and gas lease are subject to compliance with the applicable federal laws, which include the NEPA, the National Historic Preservation Act and the Endangered Species Act (ESA), just to name a few.

The issuance of a federal oil and gas lease, by itself, does not authorize any surface disturbing oil and gas operations for the leased lands. BLM agrees that it must consult with the USFWS if, in the future, an APD is submitted for one of the proposed lease parcels, and the required site-specific environmental review of the oil and gas activities proposed in that APD indicates that the proposed activities have the potential to adversely impact GuSG, a species that has been listed as threatened under the ESA.

Commenter 42: Colorado Parks and Wildlife

Summary of Substantive Comments

- a. Leasing and development on these [7981, 7982, 7983, 7984] parcels would add cumulatively to parcels already leased by BLM in this area despite CPW's recommendation to defer these parcels until this issue is addressed.
- b. For parcels 7981-7985 CPW recommends limiting the density of surface facilities to one well pad (or less) per section to maintain existing big game populations. This recommendation is consistent with the rationale provided in Exhibit 3.10.2 CSU and recommendations made by other state fish and game agencies in the Rocky Mountain region.
- c. CPW recommends adding 3.10.2 CSU to parcels 7983, 7984, and 7985.
- d. CPW remains concerned about indirect disturbance to GUSG from drilling operations and increased noise and disturbance from truck traffic on existing and potential new roads in GUSG habitat. CPW raised these concerns in our comments on the March 2017 sale.
- e. If parcels 7981-7985 are leased we recommend that a MDP be completed for these parcels (and prior leased parcels) prior to initiating new disturbance and that no truck travel occur to or from the east of parcels 7982, 7983, 7984, and 7985 on CR 31U to prevent increased disturbance to GUSG throughout the Miramonte area.
- f. We recommend evaluating extension of the TRFO GUSG stipulations 3.4.3 and 3.4.4 to these parcels to allow for potential use of these parcels by GUSG populations in the future.
- g. Parcel 6434 is mapped as a mule deer winter concentration area. CPW recommends adding exhibits 3.10.1 and 3.10.3 to this parcel. Consistent with the rationale provided in stipulation 3.10.2 CPW also recommends a surface facility density limit of one well pad per section and that BLM consider off-site mitigation to address the loss of functional habitat if the density of surface facilities exceeds one pad per section.

BLM Response to Comments 42(a)

The DNA prepared by the TRFO for the March 2018 oil and gas lease sale documents the BLM's review and verification that the TRFO Approved RMP and FEIS adequately analyzed the reasonably foreseeable impacts of and applied appropriate protective measures for any future oil and gas development associated with the proposed lease parcels. Any oil and gas leases that are issued for the proposed parcels would be issued subject to the standard lease terms contained in BLM Form 3100-11 and the protective stipulations required for each parcel, as described in Appendix H of the Approved TRFO RMP, and the DNA and Sale Notice that have been prepared for the March 2018 competitive oil and gas lease sale. Pursuant to the standard lease terms contained in BLM Form 3100-11, the lease rights granted are subject to adherence with the applicable federal statutes and regulations, which includes the Federal Land Policy and Management Act (FLPMA) and the Mineral Leasing Act (MLA). Section 4 of the standard lease terms requires that the lessee exercise reasonable diligence in order to, "prevent unnecessary damage to, loss of, or waste of leased resources." Section 6 of the standard lease terms provides that the lessee conduct operations in a manner that minimizes adverse impacts to the land, air, and water, to cultural, biological, visual, and other resources, and to other land uses or users."

The stipulations applied to each parcel have been developed through the TRFO FEIS and Approved RMP in order to adequately protect other resources that may be present and that have not been specifically addressed through the standard lease terms. The application of the standard lease terms and protective stipulations to any leases that might be issued for the proposed parcels will help to ensure that any future oil and gas development on the parcels occurs in full compliance with the FLPMA, the MLA, and the NEPA and does not result in any significant impacts to the human environment. The comment has not provided information regarding any potential significant impacts associated with leasing the subject parcels that have not already been adequately considered in the TRFO Approved RMP and FEIS.

BLM Response to Comments 42(b-c)

BLM recognizes the concern raised by CPW as an expert agency. CSU stipulation 3.10.2 exists for the purpose of protecting priority habitats, such as winter concentration areas for big game in order to prevent abandonment of critical habitat, and to maintain reproductive success, recruitment and survival [of big game populations].. CSU stipulation 3.10.2 for Big Game has been applied to all portions of parcels 7981, 7982, 7983, 7984, and 7985. This application is consistent with the comments received from expert agency commenters as well as conformity to the current TRFO RMP/FEIS.

With respects to comments regarding future well pad density, please refer to BLM Response to Comments 42 (d-f).

BLM Response to Comments 42(d-f)

At the lease-sale stage, the BLM does not yet know 1) if a lease parcel proposed for an oil and gas lease sale will be purchased and result in the issuance of an oil and gas lease; 2) assuming a lease is issued for the proposed lease parcel, whether an application for permit to drill (APD) will be submitted for that lease, and 3) what specific location and operating procedures for oil and gas development might be proposed for the lease parcel in the future. Moreover, the issuance of a federal oil and gas lease, by itself, does not authorize any surface disturbing oil and gas operations for the leased lands. Instead, if an oil and gas lease is issued, and then an APD is submitted for the lease, surface disturbing oil and gas operations can only be authorized on the lease following a site-specific environmental review in accordance with the National Environmental Policy Act (NEPA) and approval of the APD by the BLM. Furthermore, when conducting its site-specific environmental review of surface disturbances proposed in an APD, the BLM may impose “conditions of approval” (COAs) consistent with the lease terms, stipulations and federal laws and regulations applicable to the lease in order to protect other, non-fluid mineral resource values, such as wildlife. In addition, pursuant to the standard lease terms contained in BLM Form 3100-11, which are applied to all BLM-issued oil and gas leases, all rights granted under a federal oil and gas lease are subject to compliance with the applicable federal laws, which include the NEPA, the National Historic Preservation Act and the Endangered Species Act (ESA), just to name a few. As such, if in the future an APD is submitted for one of the proposed lease parcels, and the required site-specific environmental review of the oil and gas activities proposed in that APD indicate that the proposed activities have the potential to adversely impact GUSG, a species that has been listed as threatened under the ESA, the BLM

could impose protective and/or mitigating measures in the form of COAs and/or require a modification to the location, design or some other aspect of the proposal, and it could only authorize oil and gas activities pursuant to that APD if it determines, in consultation with the U.S. Fish and Wildlife Service, that the authorized activities would not be likely to “jeopardize the continued existence” or result in the “destruction or adverse modification” of critical habitat for GUSG.

BLM Response to Comments 42(g)

BLM recognizes the concern raised by CPW as an expert agency. Stipulations 3.10.1 is a timing limitation for Parturition, for the purpose of maintaining herd sustainability in critical habitat areas. Disturbance during critical times can result in mortality and loss of reproductive recruitment into the population of several listed Big Game Species. Stipulation 3.10.3 is another timing limitation for winter range [of big game], for the purpose of protecting winter range to reduce behavioral disruption of big game during the winter season, which can result in mortality of the species. While the commenter asserts that parcel 6434 is within mule deer winter concentration areas, according to CPW- mapped winter concentration areas that are publicly available, as well as TRFO mapped winter concentration areas, parcel 6434 outside of those mapped areas. It would be inconsistent with the TRFO RMP, to which this document is tiered, to include those areas as parturition or winter concentration areas, without analysis or rationale.

Additionally, the Tres Rios Field Office has made an administrative error in applying stipulation 3.10.2 to parcel 6434 and will be removing it from the list of applied stipulations for the same reason that we cannot apply stipulations 3.10.1 and 3.10.3, we cannot apply lease stipulations outside of areas where the TRFO FEIS has analyzed those environmental conditions.

With respects to comments regarding future well pad density, please refer to BLM Response to Comments 42 (d-f).

Commenter 43: Wild Earth Guardians

Summary of Substantive Comments

- a. By relying on a DNA and the outdated RMP FEIS, the BLM is violating the Clean Air Act and FLPMA.
- b. The BLM fails to analyze and assess the reasonably foreseeable indirect impacts of GHG emissions that would result from issuing the proposed lease parcels.
- c. The BLM fails to analyze the costs of reasonably foreseeable carbon emissions using well-accepted valid credible GAO endorsed, interagency methods for assessing carbon costs.
- d. First, the TRFO FEIS fails to analyze a no lease alternative that would preclude leasing the specific parcels up for lease.

BLM Response to Comments 43(a)

The TRFO RMP/FEIS includes a qualitative discussion of the relationship between oil and gas operations, greenhouse gas (GHG) emissions, and climate change in Sections 3.12 - Air Quality;

3.12.2 - Affected Environment, Greenhouse Gas Emissions and Climate Change, pages 364 and 365 and under numerous discussion topics in Section 3.12, pages 364 – 378 of the RMP. This discussion appropriately and adequately addresses the reasonably foreseeable impacts that oil and gas leasing within the planning area might have on GHG emissions and climate change. Current analytical tools cannot accurately quantify the specific impacts to climate of GHG emissions associated with potential future oil and development from the proposed lease parcels, when it is unknown what facilities might be associated with future production, if any. No new data was presented to suggest that the analysis in the FEIS is not adequate. If oil and gas operations are proposed for any of the subject lease parcels, BLM will complete a site-specific NEPA analysis of the proposal(s) utilizing the best available and most current data. Any potential future emissions resulting from approval of any APD for the leased parcels is not anticipated to change the predictions made in the TRFO RMP/FEIS regarding the impacts of climate change, due to the cumulative and global scale of the issue.

BLM Response to Comments 43(b-c)

The TRFO FEIS/PRMP includes qualitative discussions of climate change impacts to various resources and a quantitative discussion of potential greenhouse gas emissions associated with oil and gas operations under the reasonably foreseeable development scenario for the planning area. See, e.g., Sections 3.12 - Air Quality; 3.12.2 - Affected Environment, Greenhouse Gas Emissions and Climate Change, pages 364 and 365 and individual resource discussions in Section 3.12, pages 364 – 378. This discussion sufficiently describes the reasonably foreseeable impacts that oil and gas leasing within the planning area might have on greenhouse gas (GHG) emissions and climate change. It is impossible to quantify, with accuracy, methane leakage from pipelines, wells or any other variety of oil and gas facility as other fugitive sources of greenhouse gases, when it is unknown what facilities might be associated with future production, if any. No new data was presented with the protest that would warrant additional analysis. If oil and gas operations are proposed for any of the subject lease parcels, BLM will complete a site-specific NEPA analysis of the proposal(s) utilizing the best available tools and most current data. That NEPA analysis may include an estimate of quantifiable GHG emissions. This site-specific NEPA analysis will, in turn, guide the BLM's decision to either: approve; not approve; or approve with conditions the proposed oil and gas operations. Any potential future emissions resulting from approval of drilling permits are not anticipated to change the predictions made in the TRFO RMP describing the impacts of climate change. The BLM also has explained that climate science does not allow a precise connection between project-specific GHG emissions and specific environmental effects of climate change. BLM's methodology of quantifying the estimated GHG emissions from a proposed action, placing them in a regional or global context, and providing qualitative analysis of climate change impacts is consistent with the approach that has been approved by the Interior Board of Land Appeals in Powder River Basin Resource Council, 180 IBLA 119, 134-35 (2010) and Bristlecone Alliance, 179 IBLA 51, 57 (2010), and the U.S. Court of Appeals for the D.C. Circuit in *Wild Earth Guardians v. Jewell*, 738 F.3d 298, 309-310 (D.C. Cir. 2013).

The BLM is asked to characterize GHG emissions in a way that includes estimating the monetized damages associated with an incremental increase in emissions of carbon dioxide, known as "social costs of carbon." A social cost of carbon (SCC) protocol was developed to assist agencies in meeting Executive Order (EO) 12866, which requires federal agencies to

assess the cost and the benefits of intended regulations as part of their regulatory impact analyses (RIAs). Since leasing decisions and resource management plans are not rulemaking efforts, they do not require a cost-benefit analysis and the use of a social cost of carbon estimate. Moreover, social cost of carbon estimates are just one metric that an agency can take to examine climate impacts associated with greenhouse gas emissions. As stated above, the BLM took the approach of quantitatively estimating GHG emissions associated with oil and gas operations under the reasonably foreseeable development scenario for the planning area and qualitatively discussing climate change at a landscape levels in the TRFO RMP FEIS. The BLM took this approach for several reasons.

First, climate change and potential climate impacts, in and of themselves, are often not well understood by the general public (Etkin and Ho 2007, National Research Council 2009). This is in part due to the challenges associated with communicating about climate change and climate impacts, stemming in part from the fact that most causes are invisible factors (such as greenhouse gases) and there is a long lag time and geographic scale between causes and effects (National Research Council 2010). Research indicates that for difficult environmental issues such as climate change, most people more readily understand if the issue is brought to a scale that is relatable to their everyday life (Dietz 2013); when the science and technical aspects are presented in an engaging way such as narratives about the potential implications of the climate impacts (Corner, Lewandowsky, Phillips, and Roberts 2015); use examples and make information relevant to the audience while also linking the local and global scales (National Research Council 2010). In order to more effectively convey the potential climate impacts, the BLM quantified greenhouse gas emissions under the reasonably foreseeable development scenario and discussed narratively potential climate change related impacts at various landscape level scales within different resource sections of Section 3. For example, in Section 3.2 it's discussed that within the western interior of the United States that climate changes to terrestrial ecosystems may include a decrease in alpine and spruce-fir forests (p. 66); in Section 3.3 climate change is projected to potentially reduce suitable wolverine habitat in the contiguous United States (p. 123); and in Section 3.9 potential climate impacts to the planning area include increased tree mortality and possible losses of shade-tolerant, drought-susceptible tree species (p. 316-317). This approach presents the data and information in a manner that follows many of the guidelines for effective climate change communication developed by the National Academy of Sciences (National Research Council 2010) by making the information more readily understood and relatable to the decision-maker and the general public. The approach taken in the TRFO RMP FEIS recognizes that there are adverse environmental impacts associated with the development and use of fossil fuels and discusses potential impacts qualitatively and effectively informs the decision-maker and the public of the potential for GHG emissions and the potential implications of climate change.

Moreover, commenters have provided no information as to how presenting GHG emissions in a singularly monetary fashion without accounting for the cost from not developing these minerals in the context of FLPMA's mandate to provide for the nation's energy needs, provides information BLM has not already considered in disclosing the expected impacts from climate change and GHGs resulting from the oil and gas operations under the reasonably foreseeable development scenario. Within the TRFO RMP FEIS many aspects of oil and gas extraction are often described qualitatively so therefore, presenting SCC estimates for a few components of a leasing decision— without quantifying all costs and benefits - would be misleading. Without fully accounting for all monetized benefits or costs, monetized estimates of the social cost of carbon

would be presented in isolation, without any context for evaluating their significance. This limits the usefulness of such estimates to the decision maker.

Finally, a recent Executive Order (EO) entitled, “Promoting Energy Independence and Economic Growth,” issued March 28, 2017, directed that the Interagency Working Group on the Social Cost of Greenhouse Gases (IWG) be disbanded and that technical documents issued by the IWG be withdrawn as no longer representative of governmental policy (Section 5 of the EO).

The TRFO RMP has addressed cumulative impacts within the planning area based upon what is reasonably foreseeable. The economic and financial efficiency analysis in the EIS does not attempt to monetize all costs and benefits. Many aspects-positive or negative- of resource extraction are often described qualitatively. Attempting to analyze specific cumulative impacts of all aspects of oil and gas operations without specific knowledge of the nature of the wells and associated infrastructure that might be proposed for a parcel would be too speculative to provide useful information to the decision-maker. Such analysis is more appropriate at the site-specific well permitting stage.

BLM Response to Comments 43(d)

The TRFO RMP FEIS fully analyzed a No Leasing Alternative. See section 3.19, Minerals and Energy: Fluid Minerals, Pg. 513.